

Next scheduled Committee Meeting will be held in the Multi-Purpose Room, 201 Spring Street, Springdale, Arkansas

- The next Committee meeting - Monday, January 6, 2020
 - Committee agendas will be available on Friday, January 3, 2020.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, December 10th, 2019

- 5:55 p.m. Pre Meeting Activities
- Pledge of Allegiance
Invocation – Rick Evans
- 6:00 p.m. **OFFICIAL AGENDA**
1. Large Print agendas are available.
 2. Call to Order – Mayor Doug Sprouse
 3. Roll Call – Denise Pearce, City Clerk
Recognition of a Quorum.
 4. Comments from Citizens
The Council will hear brief comments from citizens during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
 5. Youth Council Graduating Class of 2019, Ashley Earhart.
 6. Young Elementary Third Grade presentation by Krissi Powell and students.
 7. Approval of Minutes – November 26th, 2019 Pgs. 3 - 10
 8. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers 9.D-G, 10., 11., 12.B, 13.D, & 14. Motion must be approved by two-thirds (2/3) of the council members.*
 9. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development:
 - A. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Bob Bonds in connection with 8332 E. Wagon Wheel Road, a Single Family Dwelling. Pgs. 11& 12
 - B. **A Resolution** approving a Conditional Use at 5544 Peyton Place as set forth in Ordinance No. 4030. Pgs. 13 - 15
 - C. **A Resolution** approving a Conditional Use at 321 Caudle Avenue as set forth in Ordinance No. 4030. Pgs. 16 - 18
 - D. **An Ordinance** amending Ordinance No. 3307, the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands from Low/Medium Density Single Family Residential District (SF-2) to Low/Medium Density Multi-Family Residential District (MF-4) and declaring an emergency. Tract is described as follows: 39.54 acres on the east side of Hylton Road, approximately 0.45 miles South of Don Tyson parkway. Pgs. 19 - 21
 - E. **An Ordinance** amending Ordinance No. 3307, the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands from Low/Medium Density Duplex District (MF-3) to Low/Medium Density Single Family Residential District (SF-2) and declaring an emergency. Tract is described as follows: .28 acres at 7537 Brooklyn Avenue, Lot 11, Arber Estates. Pgs. 22 - 24

- F. **An Ordinance** amending Ordinance No. 3307, the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the Plat pertaining thereto by rezoning certain lands from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. The tract is described as follows: 1.46 acre located on the northwest corner of Elm Springs Road and N. 40th Street. Pgs. 25 - 28
- G. **An Ordinance** amending Ordinance No. 3307, the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands from Neighborhood Office District (01) to General Commercial District (C-2) and declaring an emergency. The Tract is described as follows: .118 acre located at 811 S. Turner. Pgs. 29 - 31
- H. **A Resolution** approving a Conditional Use for Beatris Frair and Manolo Juarez at Parcel 21-00167-123 in Benton County, Arkansas as set forth in Ordinance No. 4030. The Conditional Use was granted on the condition that a permanent ingress/egress to the tract be obtained and submitted to the City Attorney. Tract is located as follows: South of Knight Lane and West of S. Zion Rd. Pgs. 32 & 33
10. Ordinance Committee by Chairman Mike Overton:
An Ordinance creating Chapter 100 of the Code of Ordinances of the City of Springdale, Arkansas, to implement the Small Wireless Facility Deployment Act (Act 999 of 2019), codified at Ark. Code Ann. §23-17-501, *et seq.*; and for other purposes. *Committee forwarded with recommendation for approval.* Pgs. 34 - 43
11. Health and Sanitation Committee by Chairman Brian Powell
An Ordinance ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 2050 Dodd Avenue; to declare an emergency and for other purposes. *Committee forwarded with recommendation for approval.* Pgs. 44 - 49
12. Finance Committee by Chairman Jeff Watson.
 - A. **A Resolution** approving the City of Springdale, Arkansas Budget for the Year 2020. *Committee forwarded item without recommendation.* Pgs. 50 - 65
 - B. **An Ordinance** setting the salaries of the Elected Officials and Planning Commission Members of Springdale, Arkansas, and repealing Ordinance Number 5344. *Committee forwarded with recommendation for approval.* Pg. 66
13. Police and Fire Committee by Chairman Amelia Williams.
 - A. **A Resolution** authorizing the purchase of a computer aided dispatch system. *Committee forwarded with recommendation for approval.* Pg. 67
 - B. **A Resolution** authorizing the purchase of a time and attendance program. *Committee forwarded with recommendation for approval.* Pg. 68
 - C. **A Resolution** authorizing the purchase of a secure information storage and management system for the Police Department. *Committee forwarded with recommendation for approval.* Pg. 69
 - D. **An Ordinance** to waive competitive bidding for the purchase of a Fire Station Alerting System and for other purchases. *Committee forwarded with recommendation for approval.* Pg. 70
14. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for the removal of overgrown brush and debris on property located at 307 S. Cleveland Street, within the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 71 - 79
15. **A Discussion** to Entertain a motion to forego Committee Meeting on December 16, 2019 and City Council Meeting on December 24, 2019.
16. Comments from Council Members.
17. Comments from City Attorney.
18. Comments from Mayor.
19. Adjournment.

SPRINGDALE CITY COUNCIL
NOVEMBER 26, 2019

The City Council of the City of Springdale met in regular session on Tuesday, November 26, 2019, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Colby Fulfer	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Mike Chamlee	Buildings Director
Ron Findley	Neighborhood Services Director
Ashley Earhart	Public Relations Director

APPROVAL OF MINUTES

Council Member Evans moved the minutes of the November 12, 2019 City Council meeting be approved as presented. Council Member Jaycox made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Evans made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Jaycox made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer

No: None

APPEAL OF PLANNING COMMISSION'S DECISION TO DENY A REZONING REQUEST BY BLACK BEAR HOLDINGS LLC ON PROPERTY LOCATED AT 811 S. TURNER STREET, FROM O-1 TO C-2

Peyton Parker presented an appeal of Planning Commission's decision on November 5, 2019 to deny a rezoning request by Black Bear Holdings LLC for property located at 811 S. Turner Street, From O-1 to C-2.

Planning Commission's vote was 4 no and 2 yes.

Mr. Parker said this building was built around 20 years ago and has set empty for almost 10. He has put some money into it to clean up the building. He has an auto service

business that wants to rent the building but it is not allowed in a C-2 zone. The Land Use Plan shows neighborhood commercial but there are C-2 properties located near this address. He believes the Land Use Plan is not a zoning ordinance but a guide to the preparation and the carrying out of the components of the planning process. He feels like the rezoning is in keeping with the goals and policies of Springdale.

After discussion, Council Member Fulfer made the motion to overturn Planning Commission's decision. Council Member Powell made the second.

The vote:

Yes: Evans, Powell, Williams, Watson, Overton, Fulfer, Lawson

No: Jaycox

APPEAL OF PLANNING COMMISSION'S DECISION TO DENY A CONDITIONAL USE APPEAL BY BEATRIS FRAIRE AND MANOLO JUAREZ FOR A MANUFACTURED MOBILE HOME IN AN A-1 ZONE LOCATED NORTH AND WEST OF SOUTH ZION ROAD OFF OF HIGHWAY 612

Beatris Fraire and Manolo Juarez presented an appeal of Planning Commission's decision on November 5, 2019 to deny a conditional use request for a manufactured mobile home in an A-1 zone located north and west of South Zion Road off of Highway 612.

Planning Commission had a problem with there not being an access easement to the property along Knight Lane.

Gina Knight, owner of this property, said she has been working with this family and the Arkansas State Highway Department to get access worked out. There is a water and gas easement on the property. The property was split when the Arkansas Highway Department built Highway 612.

The Planning Commission wanted to see a document showing what type of access they left for this piece of property after they split it.

Council Member Fulfer made the motion to overturn the Planning Commission's decision subject to the Knights obtaining the access easement they need and meeting all the conditions prior to mobile home being placed. Council Member Williams made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Fulfer, Lawson, Evans

No: Overton

DISCUSSION – PLANNING COMMISSION'S DECISIONS TO DENY

Council Member Watson would like to have a discussion on how City Council handles the way they vote on appeals of Planning Commission. This will be discussed at the next committee meeting.

ORDINANCE NO. 5434 – REZONING 5.02 ACRES OWNED BY THOMAS AND PEGGY MARINGER LOCATED ON THE WEST SIDE OF POWELL STREET, NORTH OF LUCIAN LANE, FROM A-1 TO SF-1

Planning Director Patsy Christie presented an Ordinance rezoning 5.02 acres owned by Thomas and Peggy Maringer located on the west side of Powell Street, north of Lucian Lane, from A-1 to SF-1.

SPRINGDALE CITY COUNCIL
NOVEMBER 26, 2019

Planning Commission recommended approval at their November 5, 2019 meeting.

After reading the title of the Ordinance, Council Member Jaycox moved the Ordinance “Do Pass”. Council Member Evans made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

The Ordinance was numbered 5434.

ORDINANCE NO. 5435 – REZONING 1.04 ACRES OWNED BY CORY ROGERS
LOCATED AT THE NORTHWEST CORNER OF EAST EMMA AVENUE AND
MONITOR ROAD, FROM A-1 TO MF-2

Planning Director Patsy Christie presented an Ordinance rezoning 1.04 acres owned by Cory Rogers located at the northwest corner of East Emma Avenue and Monitor Road, from A-1 to MF-2.

Planning Commission recommended approval at their November 5, 2019 meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Jaycox made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Ordinance was numbered 5435.

ORDINANCE NO. 5436 – REZONING 4.0 ACRES OWNED BY CORNERSTONE
PROPANE LOCATED AT 3151 E. ROBINSON AVENUE, FROM A-1 TO C-2 AND
C-5

Planning Director Patsy Christie presented an Ordinance rezoning 4.0 acres owned by Cornerstone Propane located at 3151 E. Robinson Avenue, from A-1 to C-2 and C-5.

Planning Commission recommended approval at their November 5, 2019 meeting.

After reading the title of the Ordinance, Council Member Jaycox moved the Ordinance "Do Pass". Council Member Evans made the second.

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer

No: None

The Ordinance was numbered 5436.

RESOLUTION NO. 119-19 – APPROVING A CONDITIONA USE APPEAL BY
ANDREW AND KAREN MORRIS FOR A TANDEM LOT SPLIT AT 247 COMBS,
AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Andrew and Karen Morris for a tandem lot split at 247 Combs, as set forth in Ordinance No. 4030.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL
USE AT 247 COMBS AS SET FORTH IN
ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on November 5, 2019 on a request by Andrew and Karen Morris for a conditional use for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) at 247 Combs; and

WHEREAS, following the public hearing the Planning Commission by a vote of six (6) yes and zero (0) no recommends that a conditional use be granted to Andrew and Karen Morris for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) with the following conditions – **No Conditions**.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Andrew and Karen Morris for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) with the following conditions – **No Conditions**.

PASSED AND APPROVED THIS ____ day of November, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Resolution was numbered 119-19.

RESOLUTION NO. 120-19 – APPROVING A CONDITIONAL USE APPEAL BY
DAVID MANCIA AT 1102 BACKUS AS SET FORTH IN ORDINANCE NO. 4030,
USE UNIT 41 (AUTOMOBILE SALES) IN A C-2 ZONE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by David Mancía for a Use Unit 41 (Automobile Sales) in a C-2 Zone located at 1102 Backus Avenue.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL
USE FOR DAVID MANCIA AT 1102 BACKUS AS
SET FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on November 5, 2019, on a request by David Mancía for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of six (6) yes and zero (0) no grants a conditional use to David Mancía for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) with **no conditions**.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to David Mancía for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2).

PASSED AND APPROVED THIS ____ DAY OF NOVEMBER, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Fulfer made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

The Resolution was numbered 120-19.

RESOLUTION NO. 121-19 – APPROPRIATING FUNDS FOR THE PARKS AND RECREATION DEPARTMENT FOR IMPROVEMENTS TO THE PARKS AND RECREATION CENTER AT 1906 CAMBRIDGE STREET (PROJECT NO. 18BPP5)

Council Member Mike Lawson presented a Resolution appropriating funds for the Parks and Recreation Department for improvements to the Parks and Recreation Center at 1906 Cambridge Street (Project No. 18BPP5).

Mayor Sprouse explained that \$300,000 they had planned to use out of CDBG funds cannot be used for these improvements. Instead, this money will be used for a public facility (Tyson Park) in making it ADA compliant. The process to do this will be started soon.

RESOLUTION NO. ____

A RESOLUTION APPROPRIATING FUNDS FOR THE PARKS AND RECREATION DEPARTMENT PROJECT NO. 18BPP5

WHEREAS, the City of Springdale is in the process of making improvements to the Parks & Recreation Center located at 1906 Cambridge Street, and

WHEREAS, the City would like to make improvements to the roof, the heating/air conditioning equipment, the electric service, and purchase some necessary maintenance equipment, and

WHEREAS, Harness Roofing, Inc. has submitted a quote of \$367,266 (The Interlocal Purchasing System, Contract #1807703) for installation of the improvements to the roof, and

WHEREAS, Multi-Craft Contractors, Inc. has submitted a quote of \$900,320 (The Interlocal Purchasing System, Contract #190201) for installation of the improvements to the heating/air conditioning equipment which includes replacing the electric gear and service needed to increase to 2000 amps, and

WHEREAS, P & K Equipment, Inc. has submitted a quote of \$12,802.34 for the necessary maintenance equipment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that there is hereby appropriated an amount not to exceed \$1,280,400 from the 2018 Park Bond Construction Fund for these

repairs to the Recreation Center.

PASSED AND APPROVED this ____ day of November, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Resolution was numbered 121-19.

PROPOSED ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF
ORDINANCES CONCERNING BLUFF CEMETERY RULES AND REGULATIONS

A proposed ordinance was presented amending Chapter 30 of the Code of Ordinances concerning Bluff Cemetery Rules and Regulations.

After discussion, City Council Member Mike Overton made the motion to send this Ordinance back to the first City Council Committee meeting in 2020 for more discussion. Council Member Lawson made the second.

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

RESOLUTION NO. 122-19 – AUTHORIZING THE DESTRUCTION OF OLD
ACCOUNTING RECORDS

Council Member Mike Overton presented a Resolution authorizing the destruction of old accounting records.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF OLD
ACCOUNTING RECORDS**

WHEREAS, there is presently a shortage of storage space to maintain old records, and

WHEREAS, the storage of a large amount of paper accounting records could present a fire hazard, and

WHEREAS, the City Clerk/Treasurer has identified old accounting records to be destroyed, and

WHEREAS, Arkansas Code Ann. § 14-59-114 provides for the destruction of old accounting records with the permission of the City Council,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. The Mayor is hereby authorized to arrange for the destruction, by shredding, of the accounting records indicated on the attached affidavit, in accordance with Arkansas Code Ann. §14-59-114.

PASSED AND APPROVED this ____ day of November, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Resolution was numbered 122-19.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Jaycox made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 7:24 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BOB BONDS IN CONNECTION WITH 8332 E. WAGON WHEEL ROAD A SINGLE FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in connection with 8332 E. Wagon Wheel Road a single family dwelling for Bob Bonds and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to East Wagon Wheel Road including drainage improvements related thereto, sidewalks in connection with 8332 East Wagon Wheel Road a single family dwelling for Bob Bonds.

Option 2: Denies a waiver of street improvements to East Wagon Wheel Road including drainage improvements related thereto, sidewalks in connection with 8332 East Wagon Wheel Road, a single family dwelling for Bob Bonds.

Option 3: Approves payment in lieu of improvements to East Wagon Wheel Road in connection with 8332 E. Wagon Wheel Road a single family dwelling for Bob Bonds with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to East Wagon Wheel Road including drainage improvements related thereto, sidewalks to be built in connection with 8332 E. Wagon Wheel Road, a single family dwelling for Bob Bonds.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

PLANNING COMMISSION MEETING
December 3, 2019

REQUEST: Waiver - Sidewalk Improvements



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For Location Reference Only

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
5544 PEYTON PLACE AS SET FORTH IN ORDINANCE
NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on December 3, 2019 request by Haley Graham for a conditional use for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 5544 Peyton Place and

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a conditional use be granted to Haley Graham for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 5544 Peyton Place with the following conditions

- 1. No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.**
- 2. No outside storage of materials required for the operation of the business.**
- 3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.**
- 4. Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.**
- 5. Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.**
- 6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.**
- 7. Will not involve accessory buildings.**
- 8. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.**
- 9. Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen.**
- 10. Will not require or cause the consumption on the premises of any food product produced thereon.**
- 11. Will not provide medical treatment, therapeutic massage or similar activities.**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Haley Graham for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 5544 Peyton Place with the following conditions –

1. No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.
5. Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.
6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
7. Will not involve accessory buildings.
8. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.
9. Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen.
10. Will not require or cause the consumption on the premises of any food product produced thereon.
11. Will not provide medical treatment, therapeutic massage or similar activities.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

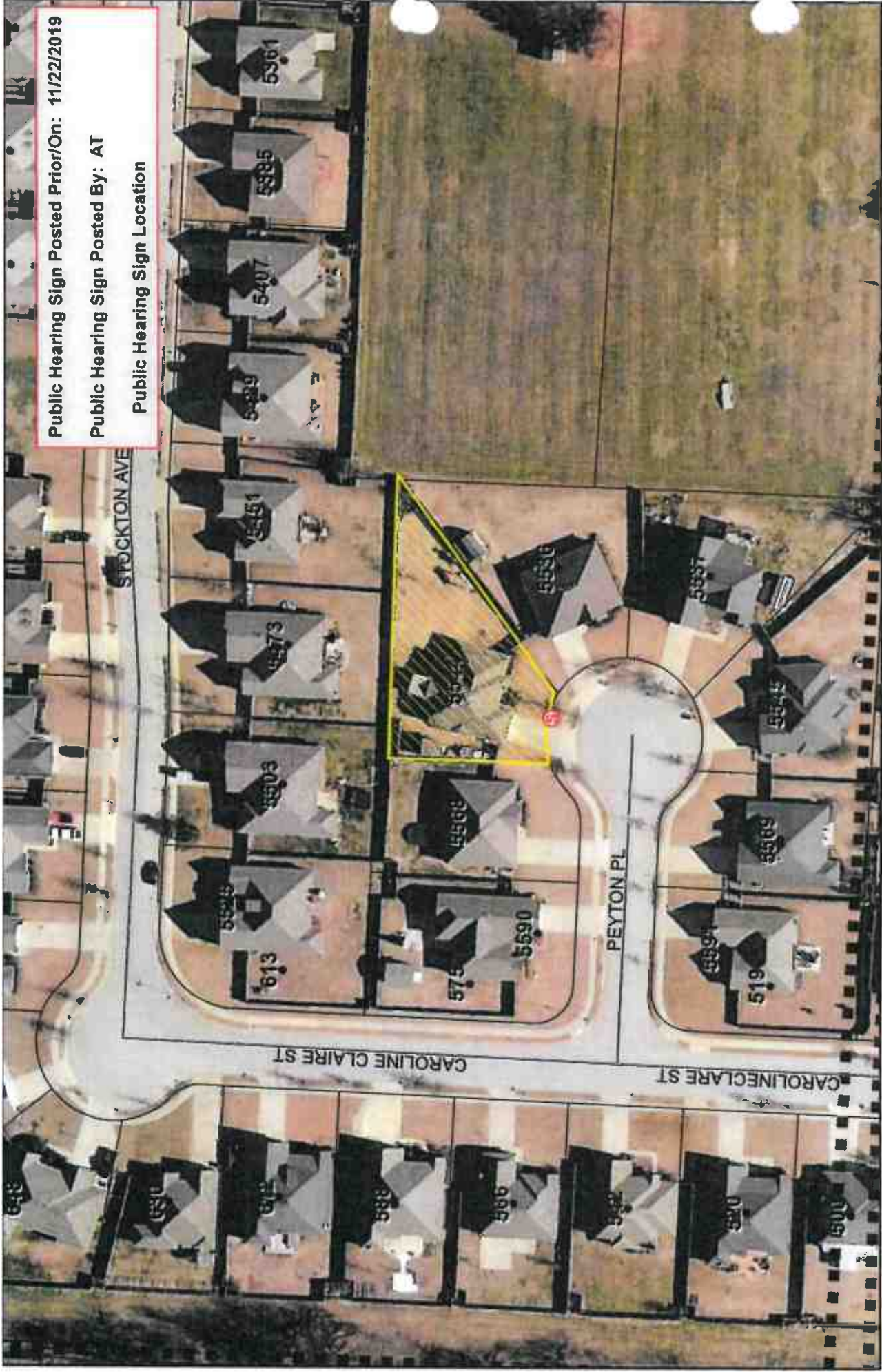
ATTEST:

Doug Sprouse, Mayor

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 11/22/2019
Public Hearing Sign Posted By: AT
Public Hearing Sign Location



0 15 30 60 90 120 Feet
For Location Reference Only

FILE NO. C19-24
APPLICANT: Haley Graham
REQUEST: Conditional Use - Use Unit 28
(Home Occupation) in SF-2

PLANNING COMMISSION MEETING
December 3, 2019

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
321 CAUDLE AVENUE AS SET FORTH IN ORDINANCE
NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on December 3, 2019 on a request by Marcus Goodman for a conditional use for a Use Unit 28 (Home Occupation) in Medium Density Multi-family Residential District (MF-12) and

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a conditional use be granted to Marcus Goodman for a Use Unit 28 (Home Occupation) in a Medium Density Multi-family Residential District (MF-12) with the following conditions –

- 1. No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.**
- 2. No outside storage of materials required for the operation of the business.**
- 3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.**
- 4. Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.**
- 5. Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.**
- 6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.**
- 7. Will not involve accessory buildings.**
- 8. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.**
- 9. Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen.**
- 10. Will not require or cause the consumption on the premises of any food product produced thereon.**
- 11. Will not provide medical treatment, therapeutic massage or similar activities.**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Marcus Goodman for a Use Unit 28 (Home Occupation) in a Medium Density Multi-family Residential District (MF-12) at 321 Caudle Avenue with the following conditions –

1. No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.
5. Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.
6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
7. Will not involve accessory buildings.
8. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.
9. Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen.
10. Will not require or cause the consumption on the premises of any food product produced thereon.
11. Will not provide medical treatment, therapeutic massage or similar activities.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

Doug Sprouse, Mayor

Denise Pearce, City Clerk

APPROVED AS TO FORM:

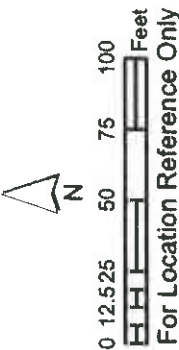
Ernest Cate, City Attorney

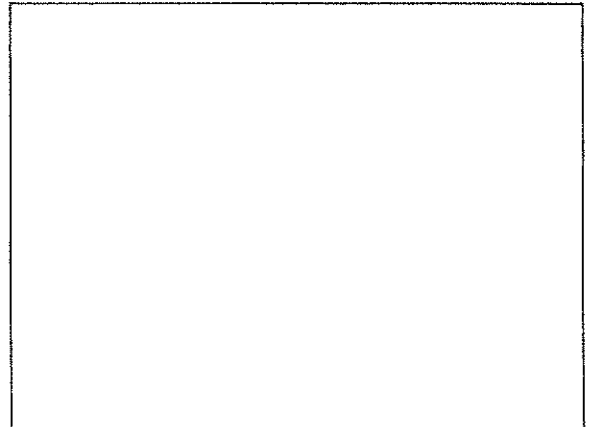


Public Hearing Sign Posted Prior/On: 11/22/2019
Public Hearing Sign Posted By: AT
Public Hearing Sign Location

PLANNING COMMISSION MEETING
December 3, 2019

FILE NO. C19-23
APPLICANT: Marcus Goodwin
REQUEST: Conditional Use - Use Unit 28
(Home Occupation) in MF-12





ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) TO LOW/MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-4) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of December 3, 2019 for hearing the matter of a petition of Hylton Real Estate, LLC requesting that the following described tract of real estate to be zoned from Low/Medium Density Single Family Residential District (SF-2) to Low/Medium Density Multi-family Residential District (MF-4).

Layman's Description: E. side of Hylton Road, approximately 0.45 mile South of Don Tyson Parkway

Legal Description: A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SW CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 16, SAID POINT BEING A FOUND BOAT SPIKE; THENCE ALONG THE WEST LINE OF SAID SW 1/4 OF THE NW 1/4, N02°30'00"E A DISTANCE OF 619.38 FEET; THENCE LEAVING SAID WEST LINE, N84°31'09"E A DISTANCE OF 16.48 FEET, THENCE S87°20'46"E A DISTANCE OF 457.76 FEET; THENCE N02°25'08"E A DISTANCE OF 405.92 FEET; THENCE S87°34'41"E A DISTANCE OF 1357.44 FEET; THENCE S02°25'08"W A DISTANCE OF 1133.66; THENCE N86°51'39"W A

FEET; THENCE N02°59'49"E A DISTANCE OF 5.06 FEET;
THENCE N86°51'39"W A DISTANCE OF 172.19 FEET; THENCE
N86°51'39"W A DISTANCE OF 1309.95 FEET TO THE POINT OF
BEGINNING, CONTAINING 39.54 ACRES (1,722,154) SQUARE
FEET, AND SUBJECT TO THE RIGHT OF WAY OF HYLTON ROAD
(60' R/W) ON THE WEST SIDE THEREOF AND ALL OTHER RIGHTS
OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD
OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low/Medium Density Single Family Residential District (SF-2) to Low/Medium Density Multi-family Residential District (MF-4) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Low/Medium Density Single Family Residential District (SF-2) to Low/Medium Multi-family Residential District (MF-4).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019

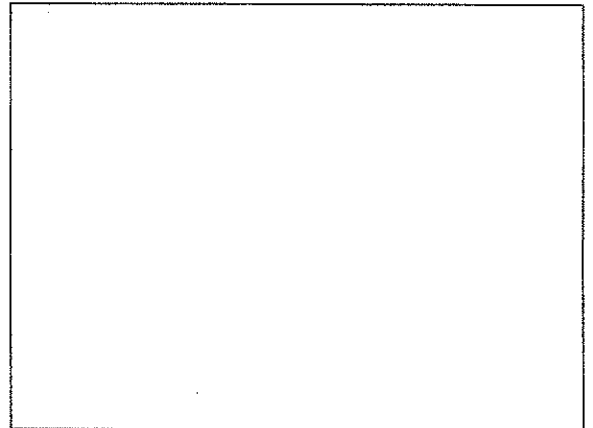
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LOW/MEDIUM DENSITY DUPLEX DISTRICT (MF-3) TO LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of December 3, 2019 for hearing the matter of a petition of Bayu Prasetyo and Rifati Raindriati, requesting that the following described tract of real estate to be zoned from Low/Medium Density Duplex District (MF-3) to Low/Medium Density Single Family Residential District (SF-2)

Layman's Description: 7537 Brooklyn Avenue

Legal Description: Lots 11, Arber Estates, as shown on the final plat thereof recorded in Plat Book 23, Page 330, in the land records of Washington County, Arkansas.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low/Medium Density Duplex District (MF-3) to Low/Medium Density Single Family Residential District (SF-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is

Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Low/Medium Density Multi-family Residential District (MF-3) to Low/Medium Density Single Family Residential District (SF-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 11/22/2019

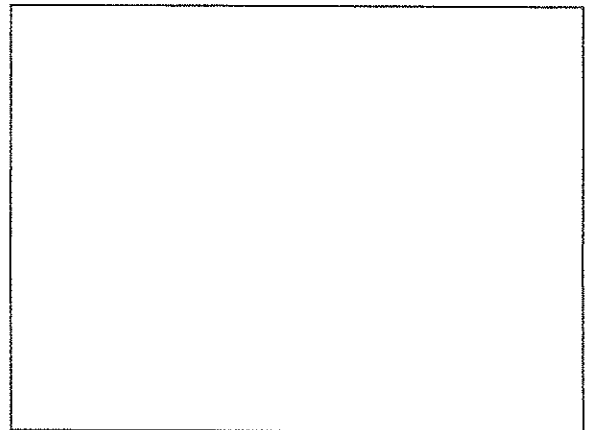
Public Hearing Sign Posted By: AT

Public Hearing Sign Location

PLANNING COMMISSION MEETING
December 3, 2019

FILE NO. R19-38
APPLICANT: Bayu Prassetio & Rifiti Raindriati
REQUEST: Rezone - MF-3 to SF-2

0 15 30 60 90 120 Feet
For Location Reference Only



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of December 3, 2019 for hearing the matter of a petition of Elm Springs Center, LLC requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: NW corner of Elm Springs Road & N. 40th Street

Legal Description: Part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 33, Township 18 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:
COMMENCING at the Southeast Corner of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 33; thence by bearing and distance (basis of bearing, Grid North), North 87°04'06" West a distance of 346.39 feet; thence North 02°55'37" East a distance of 51.54 feet to a one-half inch (1/2") rebar with PS #1507 cap on the north right-of-way of Elm Springs Road as conveyed by Warranty Deed, Book 1427, page 533, filed August 12, 1991, and the POINT OF BEGINNING; thence North 02°40'09" East along the east line of a tract conveyed by Warranty Deed, File #2016-00038272, filed December 27, 2016, a distance of 265.24 feet to a five-eighths inch (5/8") rebar with blue cap; thence leaving said east line, South 87°05'22" East a distance of 90.39 feet to a one-half inch (1/2") rebar with PS #1507 cap on the west line of the Wentz Tract, conveyed by Warranty Deed, File #92-16011, filed April 6, 1992; thence South 02°32'45" West along said west line a

distance of 43.80 feet to a one-half inch (1/2") rebar at the southwest corner of said Wentz Tract; thence South 86°32'36" East along the south line of said Wentz Tract, crossing a one-half inch (1/2") rebar at 214.69 feet, in all a distance of 255.23 feet to a mag nail with PS #1507 washer on the east line of said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4); thence leaving said south line, South 02°34'09" West along said east line a distance of 109.85 feet to a mag nail with PS #1507 washer; thence leaving said east line, North 86°58'05" West a distance of 25.84 feet to the northwest corner of said north right-of-way line of Elm Springs Road; thence South 15°08'51" West along said north right-of-way line a distance of 71.59 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 48°03'10" West continuing along said north right-of-way line a distance of 56.57 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 86°56'50" West continuing along said north right-of-way line a distance of 264.31 feet to the Point of Beginning. .

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019

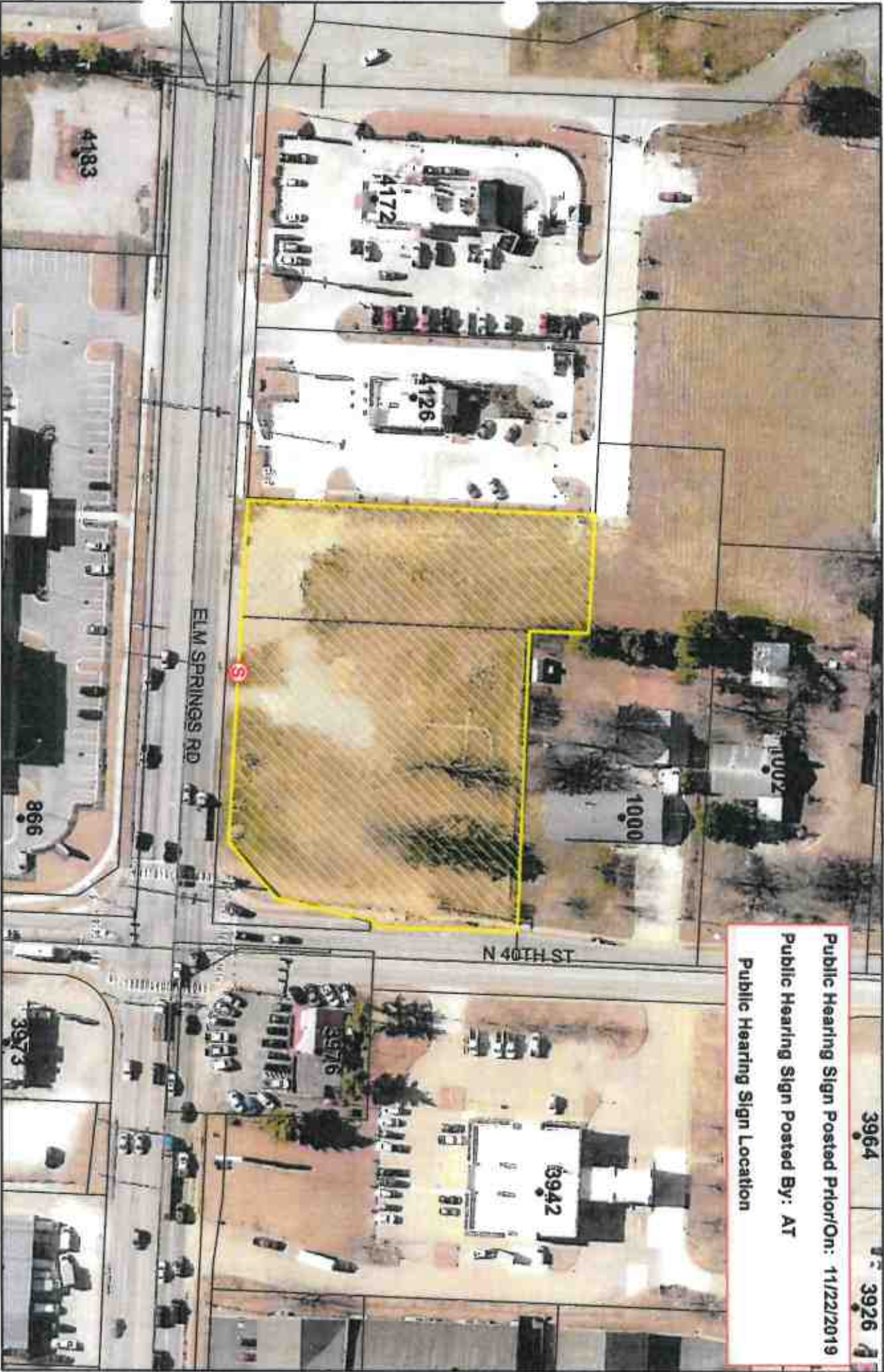
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

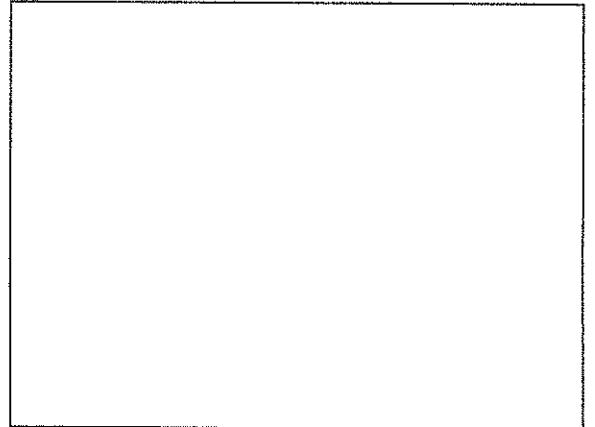
Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 11/22/2019
Public Hearing Sign Posted By: AT
Public Hearing Sign Location

FILE NO. R19-39
APPLICANT: Elm Springs Center, LLC
REQUEST: Rezone - A-1 to C-2

PLANNING COMMISSION MEETING
December 3, 2019



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM NEIGHBORHOOD OFFICE DISTRICT (O1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of November 5, 2019 for hearing the matter of a petition of Black Bear Holdings, LLC, requesting that the following described tract of real estate to be zoned from Neighborhood Office District (O-1) to General Commercial District (C-2).

Layman's Description: 811 S. Turner

Legal Description: Part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty (30), Township Eighteen (18) North, Range Thirty (30) West, beginning at a point 26 rods West of the Northeast corner of said forty acre tract, and running thence East 100 feet for a beginning corner, thence South 200 feet; thence East 100 feet; thence North 200 feet; thence West 100 feet to the place of beginning, and being in the City of Springdale, Washington County, Arkansas.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be denied but the Springdale City Council finds that the area described herein should be rezoned from Neighborhood Office District (O-1) to General Commercial District (C-2) and therefore reverses the Springdale Zoning Ordinance for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF SPRINGDALE, ARKANSAS:

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Neighborhood Office District (O-1) to General Commercial District (C-2)

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019

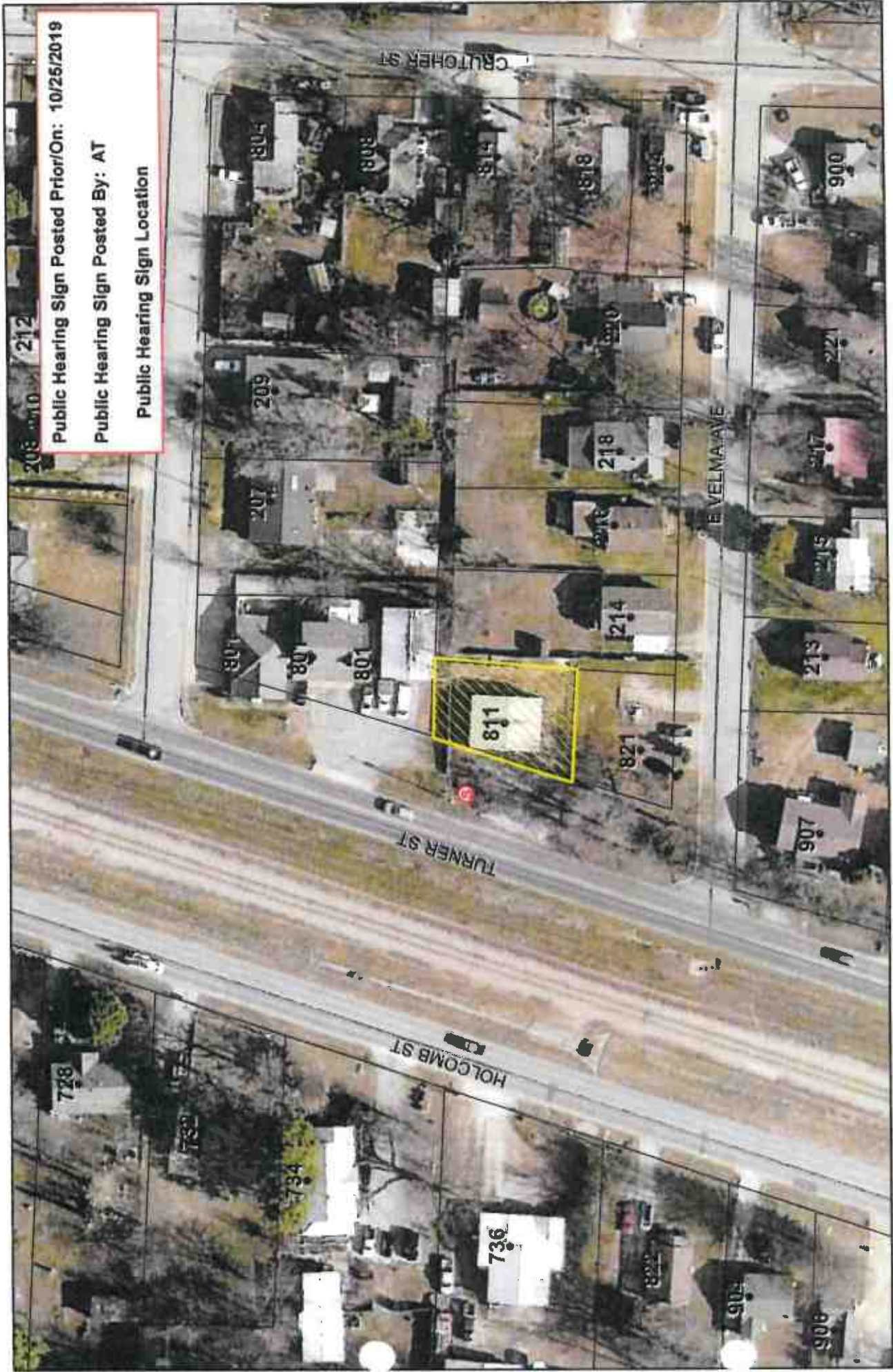
Doug Sprouse, Mayor

ATTEST:

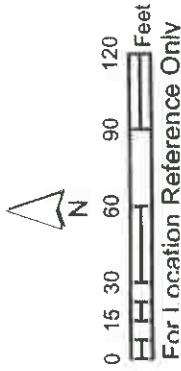
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 10/26/2019
 Public Hearing Sign Posted By: AT
 Public Hearing Sign Location



FILE NO. R19-37
 APPLICANT: Black Bear Holdings LLC
 REQUEST: Rezone - O-1 to C-2

PLANNING COMMISSION MEETING
 November 5, 2019

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
BEATRIS FRAIR AND MANOLO JUAREZ AT PARCEL
21-00167-123 IN BENTON COUNTY, ARKANSAS AS SET
FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on November 5, 2019, on a request by Beatris Frair and Manolo Juarez for a tandem lot split.

WHEREAS, following the public hearing the Planning Commission by a vote of three (3) yes and three (3) no was forwarded to City Council with a do not approve recommendation.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, which the City Council hereby reversed the decision of the Planning Commission and grants a conditional use to Beatris Frair and Manolo Juarez conditioned upon permanent ingress/egress to the tract obtained and submitted to the City Attorney for verification prior to the permitting of the manufactured home installation.

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



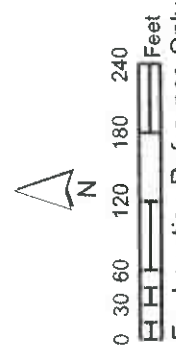
Public Hearing Sign Posted Prior/On: 10/25/2019

Public Hearing Sign Posted By: AT

Public Hearing Sign Location

PLANNING COMMISSION MEETING
November 5, 2019

FILE NO. C19-22
APPLICANT: Beatris Fraire and Manolo Juarez
REQUEST: Use Unit 14 in an A-1



ORDINANCE NO. _____

AN ORDINANCE CREATING CHAPTER 100 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO IMPLEMENT THE SMALL WIRELESS FACILITY DEPLOYMENT ACT (ACT 999 OF 2019), CODIFIED AT ARK. CODE ANN. §23-17-501, *et seq.*; AND FOR OTHER PURPOSES.

WHEREAS, the deployment of small wireless facilities and other next-generation wireless and broadband network facilities is a matter of federal and statewide concern and interest;

WHEREAS, wireless and broadband products and services are a significant and continually growing part of the economy, and accordingly, encouraging the development of strong and robust wireless and broadband communications networks is integral to economic competitiveness;

WHEREAS, rapid deployment of small wireless facilities will serve numerous important goals and public policy of meeting growing consumer demand for wireless data, increasing competitive options for communications services available to residents, and promoting the ability of citizens to communicate with other citizens, states, and municipalities, and promoting public safety;

WHEREAS, small wireless facilities, including facilities commonly referred to as “small cells” and distributed antenna systems often are deployed most effectively in a public right-of-way;

WHEREAS, to meet the key objectives of this subchapter and federal law, wireless service providers must have access to public rights-of-way and the ability to attach to infrastructure located in public rights-of-way to increase the density of the wireless service provider’s networks and provide next generation wireless services;

WHEREAS, rates and fees for the permitting and deployment of small wireless facilities in public rights-of-way and on City infrastructure, including poles, consistent with federal law, is reasonable and will encourage the deployment of robust next-generation wireless and broadband networks for the benefit of citizens throughout the City;

WHEREAS, the procedures, rates, and fees established in this Ordinance are consistent with federal law and multiple ordinances adopted by municipalities throughout the state; fair and reasonable when viewed from the perspective of the City’s interest in having robust, reliable, and technologically advanced wireless and broadband networks; and, reflective of a balancing of the interests of the wireless providers deploying new facilities and the interests of the City in recovering its costs of managing access to the public rights-of-way and the attachment space provided on City infrastructure in the public rights-of-way;

WHEREAS, municipalities are the custodians of public rights-of-way, and public property within the public rights-of-way, within the limits of their respective jurisdictions;

WHEREAS, municipalities may adopt ordinances and regulations governing the use, construction, development, and appearance of public and private property within their respective jurisdictions;

WHEREAS, municipalities recognize the economic and social value of data connectivity and desire to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities within the public rights-of-way in a manner that is safe, compatible with and complementary to the provision of services by the municipality and others lawfully using the rights-of-way, and consistent with the aesthetic standards of the City;

WHEREAS, the Arkansas General Assembly passed Act 999 of 2019, known as the Small Wireless Facility Deployment Act, thereby expressing the intent of the Arkansas General Assembly that the operation of small wireless facilities are matters of statewide concern and interest; and,

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, that the City of Springdale implement the Small Wireless Facility Deployment Act, Act 999 of 2019, codified at Ark. Code Ann. §23-17-501, *et seq.*, as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: The Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to add a new Chapter, Chapter 100, entitled "Small Wireless Facility Deployment" as follows:

Sec. 100-1. Definitions.

As used in this Chapter:

- (1) "Affiliate" means an entity that directly or indirectly controls, is controlled by, or is under common control with another party;
- (2) "Antenna" means communications equipment that transmits or receives an electromagnetic radio frequency signal in the provision of wireless service;
- (3)(A) "Antenna equipment" means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure is mounted or installed at the same time as the antenna.
- (3)(B) "Antenna equipment" does not include: (i) The structure or improvements on, under, or within which the equipment is collocated; or (ii) Wireline backhaul facilities, coaxial or fiber optic cable that is between structures, or coaxial or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna;
- (4) "Antenna facility" means an antenna and associated antenna equipment;
- (5) "Applicable codes" means uniform electrical reliability, building, fire, electrical, plumbing, or mechanical codes, as adopted by a recognized national code organization, or local amendments to the codes that are of general application, or local ordinances that are of general application, that address public health, safety, or welfare and are consistent with this subchapter;
- (6) "Applicant" means a person who submits an application as or on behalf of a wireless provider;
- (7) "Application" means a request submitted by an applicant to an authority for a permit:(A) To collocate small wireless facilities; or (B) To install, modify, or replace a pole on which a small wireless facility is or will be collocated, in the right-of-way;
- (8)(A) "Authority" means a county, a municipality, a subdivision, or instrumentality thereof, including without limitation:(i) A public utility district; (ii) An irrigation district; or (iii) A municipal electric utility.
- (8)(B) "Authority" does not include a state court having jurisdiction over an authority;
- (9) "City pole" means a pole owned, managed, or operated by or on behalf of the City of Springdale;
- (10) "Collocate" or "collocate on" means the placement, mounting, replacement, or modification of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure. "Collocate" or "collocate on" includes collocated ground-mounted antenna equipment as a small wireless facility if it meets the requirements of (25)(A)(iii)-(vi) herein, and the associated facilities on the adjacent structure meet the requirements of (25)(i)-(vi) herein;
- (11) "Communications service" means: (A) A cable service, as defined in 47 U.S.C. § 522(6), as it existed on January 1, 2019; (B) A telecommunications service, as defined in 47 U.S.C. § 153(53), as it existed on January 1, 2019; (C) An information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019; or (D) Wireless service;
- (12) "Communications service provider" means:(A) A cable operator, as defined in 47 U.S.C. § 522(5), as it existed on January 1, 2019; (B) A provider of information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019; (C) A telecommunications carrier, as defined in 47 U.S.C. § 153(51); or (D) A wireless provider;
- (13) "Control" means the direct or indirect ownership of at least 50% of the equity, ability to direct at least 50% of voting power, or ability otherwise to direct management policies;
- (14) "Controlled-access facility" means a highway or street described in Ark. Code Ann. §27-68-102;
- (15) "Decorative pole" means an City pole that is specifically designed and placed for aesthetic purposes and on which limited appurtenances or attachments, such as a small wireless facility, lighting, specially designed informational or directional signage, or temporary holiday or special

event attachments, have been placed or are permitted to be placed according to nondiscriminatory authority rules or codes;

- (16) “Facility” means an antenna facility or a structure that is used for the provision of wireless service;
- (17) “Fee” means a one-time, nonrecurring charge;
- (18) “Historic district” means a group of buildings, properties, or sites that are either: (A) Listed in the National Register of Historic Places; (B) A historic district designated under the Historic Districts Act, Ark. Code Ann. §14-172-201, *et seq.*; or (C) A historic district otherwise designated under a local ordinance as of January 1, 2019;
- (19) “Micro-wireless facility” means a wireless facility that: (A) Is not larger in dimension than 24” in length, 15” in width, and 12” in height; (B) Has an exterior antenna that is no longer than 11”; and (C) Is not placed any farther than 10’ down the span as measured from the side of the pole;
- (20) “Permit” means an authorization, written or otherwise, required by the City to perform an action or initiate, continue, or complete a project for the deployment of wireless service at a specified location;
- (21) “Person” means an individual, corporation, limited liability company, partnership, association, trust, authority, or other entity or organization;
- (22)(A) “Pole” means a pole in a right-of-way that may be used by or for wireline communications, electric distribution, lighting, traffic control, signage, or similar function, or for collocation of small wireless facilities.
- (22)(B) “Pole” does not include a wireless support structure or an electric transmission structure;
- (23) “Rate” means a recurring charge;
- (24)(A) “Right-of-way” means an area on, below, or above a public utility easement, roadway, highway, street, sidewalk, alley, or similar property.
- (24)(B) “Right-of-way” does not include a federal interstate highway, controlled-access facility, or a public utility easement that does not authorize the deployment sought by the wireless provider;
- (25)(A) “Small wireless facility” means a wireless facility that meets all of the following:
 - (i) The facility is mounted on a structure 50’ or less in height, including the antennas; is mounted on a structure no more than 10% taller than other adjacent structures, or does not extend an existing structure on which it is located to a height of more than 50’ or by more than 10%, whichever is greater;
 - (ii) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cu. ft. in volume;
 - (iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cu. ft. in volume;
 - (iv) The facility does not require antenna structure registration under 47 C.F.R. Part 17, as it existed on January 1, 2019;
 - (v) The facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as it existed on January 1, 2019;
- (25)(B) “Small wireless facility” does not include the structure or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; and any wireline backhaul facility or coaxial or fiber optic cable that is between wireless support structures or utility poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna;
- (26) “Structure” means a pole or wireless support structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service;
- (27) “Technically feasible” means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location, can be implemented without a material reduction in the functionality of the small wireless facility;
- (28) “Wireless infrastructure provider” means a person or an affiliate thereof, including a person authorized to provide communications service in the state, that builds or installs facilities for the provision of wireless service, but that is not a wireless service provider;

- (29) “Wireless provider” means a wireless infrastructure provider or a wireless service provider;
- (30) “Wireless service” means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public;
- (31) “Wireless service provider” means a person who provides wireless service;
- (32)(A) “Wireless support structure” means a structure, including: (i) A monopole; (ii) A tower, either guyed or self-supporting; (iii) A billboard; (iv) A building; or (v) Any other existing or proposed structure designed to support or that is capable of supporting small wireless facilities, other than a structure designed solely for the collocation of small wireless facilities.
- (32)(B) “Wireless support structure” does not include a pole; and
- (33) “Wireline backhaul facility” means an aboveground or underground facility used to transport communications services from a wireless facility to a network.

Sec. 100-2. Use of rights-of-way by wireless provider.

Subject to this chapter, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate, maintain, modify, operate, and replace small wireless facilities and to install, maintain, modify, and replace poles it owns or manages or, with the permission of the owner, a third party’s pole, associated with a small wireless facility, along, across, upon, and under the right-of-way. Small wireless facilities and associated poles shall be installed and maintained as to not obstruct or hinder the usual travel or public safety of the right-of-way or the usage of the right-of-way by utilities.

Sec. 100-3. Requirements — Height limits — Standards.

- (a) Each new or modified pole installed in the right-of-way for the purpose of collocation of small wireless facilities shall not exceed the greater of: (1) 50’ in height above ground level; or (2) 10% taller than the tallest existing pole in place in the same right-of-way as September 1, 2019, within 300’ of the new or modified pole.
- (b) A new small wireless facility in the right-of-way shall not extend more than 10% above the existing structure on which it is located or 50’ above ground level, whichever is greater.
- (c) A wireless provider shall have the right to collocate a wireless facility and install, maintain, modify, and replace a pole that exceeds the height limits provided herein along, across, upon, and under the right-of-way, subject to the requirements of this chapter and any applicable zoning regulations.
- (d) A wireless provider shall not install a small wireless facility or pole in a historic district without complying with the requirements of general application for structures within the historic district.
- (e) A wireless provider may replace decorative poles when necessary to deploy a small wireless facility so long as the replacement reasonably conforms to the design of the original decorative pole.

Sec. 100-4. Damage and repair — Replacements — Abandonment — Removal.

- (a) A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and return the right-of-way to its functional and aesthetic equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the City. If the wireless provider fails to make the repairs required by the City within a reasonable time after written notice, the City may make those repairs and charge the applicable party the actual and reasonable documented cost, including overhead, of the repairs.
- (b) A wireless provider is not required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification shall substantially conform to the design aesthetics of the pole being modified or replaced.
- (c) A wireless provider shall notify the City at least 30 days before the wireless provider’s abandonment of a small wireless facility. If the wireless provider fails to remove the abandoned small wireless facility within 90 days after the notice, the City may undertake the removal and recover the actual and reasonable documented cost, including overhead, of the removal from the wireless provider, or its successors or assigns.

- (d) The City may order the removal of a small wireless facility or associated pole in the right-of-way that violates any provisions of this chapter. The City shall provide written notice of the violation to the owner of the small wireless facility at least 30 days before removal to afford the owner the opportunity to conduct repairs or removal, or otherwise remedy the violation. If the City determines that a wireless provider's activity in a right-of-way under this subchapter creates an imminent risk to public safety, the City may provide written notice to the wireless provider and demand that the wireless provider address the risk. If the wireless provider fails to reasonably address the risk within 24 hours of the written notice, the City may take or cause to be taken action to reasonably address the risk and charge the wireless provider the reasonable documented cost of the actions.
- (e) A wireless provider shall not collocate a small wireless facility or install, modify, or replace a pole in the right-of-way that:
 - (A) Materially interferes with the safe operation of traffic control equipment;
 - (B) Materially interferes with sight lines or clear zones for transportation or pedestrians;
 - (C) Materially interferes with compliance with the Americans with Disabilities Act of 1990, or similar federal or state standards regarding pedestrian access or movement; or
 - (D) Fails to comply with applicable codes.

Compliance with these criteria will be determined during the permitting process set forth herein.

Sec. 100-5. Aesthetic Standards.

- (a) The purpose of the aesthetic standards applicable to small wireless facilities and associated poles is to ensure coordinated, adjusted, and harmonious development.
- (b) The City shall not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or wireless support structures. However, the City may require wireless providers to comply with reasonable horizontal spacing requirements for new poles and ground-mounted small wireless facilities, but the requirements shall not prevent a wireless provider from serving any location.
- (c) Any design or concealment measures are not considered a part of the small wireless facility for purposes of the size parameters in the definition of "small wireless facility".
- (d) The City may deny an application for not complying with aesthetic requirements if the denial does not prohibit or have the effect of prohibiting the provision of wireless service.
- (e) The City may prohibit wireless providers from installing poles in the right-of-way in areas where the City has required that all communications and electric lines be placed underground, if:
 - (1) The City has required all electric and communications lines to be placed underground by a date certain that is three (3) months before the submission of the application;
 - (2) Any poles the City allows to remain shall be made available to wireless providers for the collocation of small wireless facilities, and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this chapter;
 - (3) A wireless provider may install a new pole in the designated area that otherwise complies with this section when it is not able to provide wireless service by collocating on a remaining structure; and
 - (4) (A) For small wireless facilities installed before the City adopted requirements that communications and electric lines be placed underground, the City shall: (i) Permit a wireless provider to maintain the small wireless facilities in a place on any pole not required to be removed, subject to any applicable pole attachment agreement with the pole owner; or (ii) Permit the wireless provider to replace an existing pole within 50 feet of the prior location.
- (f) When a wireless provider applies to install a new pole in the right-of-way in an area zoned for residential use, the City may propose an alternative location in the right-of-way within 100 feet of the location stated in the application, and the wireless provider shall use the City's proposed alternative location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made the determination in good faith, based on the assessment of a licensed engineer, and the wireless provider shall provide a written summary of the basis for the determination.
- (g) The board of zoning adjustment hears appeals of the decision of the administrative officer in respect to the enforcement/application of the aesthetic standards, and may affirm or reverse, in whole or in part, the decision of the administrative officer; and hear requests for variances from the literal provisions of the aesthetic standards and grant the variances only when it is necessary

to avoid the prohibition of wireless service or otherwise comply with state or federal law. Decisions of the board shall be subject to appeal only to a court of record having jurisdiction.

Sec. 100-6. Collocation on City poles.

- (a) This section applies to activities of a wireless provider collocating small wireless facilities on City poles in the City's right-of-way or in a right-of-way controlled by ArDoT located within the City. A person who purchases or otherwise acquires a City pole is subject to the requirements of this section. The City will allow the collocation of small wireless facilities on City poles using the permitting process and fees described in this chapter.
- (b) As part of an application to collocate a small wireless facility on a City pole, the wireless provider shall submit make-ready design drawings and work descriptions that enable the pole to support the requested collocation by the wireless provider, including pole replacement if necessary. The City may amend the make-ready design drawings and work to comply with applicable codes before the issuance of a permit. The City shall not require more make-ready work than required to meet applicable codes or industry standards nor may the fees for make-ready work include costs related to preexisting or prior damage or noncompliance. Make-ready fees charged by the City may include the amount the City pays an Arkansas professional engineer to review the wireless provider's make-ready work plans, and shall not include any revenue or contingency-based consultant's fees or expenses of any kind.
- (c) The City may require replacement of a City pole if the collocation would make the City pole structurally unsound, and the replaced City pole shall have the same functionality as the pole being replaced. If the City pole is replaced, the City shall take ownership of the new pole and operate City fixtures on the pole.
- (d) Within 60 days of the receipt of the application to collocate on a City pole, the City shall either:
 - 1) elect to perform the make-ready work necessary to enable the pole to support the requested collocation by a wireless provider and provide a good-faith estimate for the work, including pole replacement, if necessary; or,
 - 2) authorize the wireless provider to perform the make-ready work.

The City shall complete make-ready work it elects to perform, including any pole replacement, within 60 days of written acceptance of the good faith estimate of the applicant. If the City has not completed the make-ready work within 60 days after the written acceptance and deposit of the good faith estimate by the applicant, the applicant may demand a return of any deposited funds and proceed with the make-ready work as described in its application, using authorized, qualified contractors approved by the City with the authorization not to be unreasonably withheld, conditioned, or delayed.

- (e) The City may reserve space on City poles for future public safety/transportation uses in a documented/approved plan in place at the time an application is filed. A reservation of space shall not preclude placement of a pole or collocation of a small wireless facility. If replacement of the City's pole is necessary to accommodate the collocation of the small wireless facility and the future use, the wireless provider shall pay for the replacement of the City pole and the replaced pole shall accommodate future use.

Sec. 100-7. Permits.

This section applies to all permits required for the collocation of small wireless facilities and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider that is in the City's right-of-way or is in a right-of-way controlled by ArDot.

- (a) For deployment in the City's right-of-way or on a City owned pole in the ArDot right-of-way located within the City, the applicant shall submit the following:
 - (1) Identification of the applicant;
 - (2) A map or description of the location of the facilities;
 - (3) An illustration that shows the final appearance of the facilities;
 - (4) Engineering drawings of the facilities to be installed, including required make-ready work to be performed;
 - (5) Electrical load information;
 - (6) Pole loading calculations;
 - (7) Worker safety information related to small wireless facility installation;
 - (8) Evidence of bonding, if required;

- (9) Evidence of insurance, if required; and
 - (10) Required application fees.
- (b) For deployments of or on poles that are not owned by the City located in the ArDot right-of-way located within the City, the applicant shall submit the following:
 - (1) Identification of the applicant;
 - (2) A map or description of the location of the facilities;
 - (3) An illustration that shows the final appearance of the facilities; and
 - (4) Required application fees.
 - (c) The applicant shall attest that the small wireless facilities for which a permit is granted shall be completed and will be operational for use by a wireless service provider within one (1) year of after the permit issuance date, unless the City and the applicant agree to extend this period or delay is caused by lack of commercial power, communications, transport facilities to the site, or any other factors outside of the applicant's control. Approval of an application authorizes the applicant to undertake the installation or collocation.
 - (d) Subject to applicable relocation requirements and the applicant's right to terminate at any time, the applicant shall operate and maintain the small wireless facilities and any associated poles covered by the permit for a period of not less than ten (10) years, which shall be renewed for equivalent durations so long as the small wireless facilities do not violation any of the provisions which would result in an initial permit denial as set forth in this chapter.
 - (e) The City shall not require an application for:
 - (1) Routine maintenance;
 - (2) The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or,
 - (3) The installation, placement, maintenance, operation, or replacement of a micro-wireless facility that is suspended on cables that are strung between existing poles and that complies with the applicable codes. The City may require a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the right-of-way for the activities.

Sec. 100-8. Permit Processing.

- (a) Within ten (10) working days of receiving a permit application, the City shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City shall specifically identify the missing information in writing. The processing deadline shall restart on the date the applicant provides the missing information to complete the application.
- (b) Permit applications shall be processed by the City within sixty (60) days of receipt of an application for the collocation of a small wireless facility; and within ninety (90) days for an application to install, modify, or replace a pole on which a small wireless facility is or will be collocated.
- (c) The processing deadline may be tolled by agreement of the applicant and the City. If the City fails to act on a complete application within the applicable deadline, the application shall be deemed to be approved ten (10) working days after written notice is provided by the applicant to the City that the time period for acting on the application has lapsed.
- (d) An applicant seeking to collocate small wireless facilities within the City shall be allowed at the applicant's discretion to file a batched application for small wireless facilities and associated poles and receive a single permit for the collocation of multiple small wireless facilities and the placement of associated poles. Batched applications shall be collectively processed according to the procedures in this section. A consolidated application that includes new pole deployments shall be subject to the ninety (90) day timeframe stated in subsection (b) herein. The denial of one (1) or more small wireless facilities in a batched application shall not delay processing of any other small wireless facilities or poles in the same consolidated application.
- (e) All applications must meet the following:
 - (1) Each new or modified pole installed in the right-of-way for the purpose of collocation of small wireless facilities shall not exceed the greater of fifty feet (50') in height above ground level or ten percent (10%) taller than the tallest existing pole in place in the same

right-of-way as September 1, 2019, within three hundred feet (300') of the new or modified pole.

- (2) A new small wireless facility in the right-of-way shall not extend more than ten percent (10%) above the existing structure on which it is located or fifty feet (50') above ground level, whichever is greater.
- (3) A wireless provider shall have the right to collocate a wireless facility and install, maintain, modify, and replace a pole that exceeds the height limits required under subsection (e)(1) along, across, upon, and under the right-of-way, subject to this section and any applicable zoning regulations.
- (4) A wireless provider shall not install a small wireless facility or pole in a historic district without complying with the requirements of general application for structures within the historic district.
- (5) A wireless provider may replace decorative poles when necessary to deploy a small wireless facility so long as the replacement reasonably conforms to the design of the original decorative pole.

Sec. 100-9. Permit Denials.

- (a) For deployment in the City's right-of-way, a permit may be denied if the proposed facility:
 - (1) Materially interferes with the safe operation of traffic control equipment;
 - (2) Materially interferes with sight lines or clear zones for transportation or pedestrians;
 - (3) Materially interferes with compliance with ADA, or similar federal or state standards regarding pedestrian access or movement;
 - (4) Fails to comply with applicable codes; or
 - (5) Fails to comply with aesthetic or historic district standards.
- (b) For a City owned pole in the ArDot right-of-way located within the City, a permit may only be denied if the proposed facility:
 - (1) Materially interferes with the safe operation of traffic control equipment;
 - (2) Fails to comply with applicable codes; or
 - (3) Fails to comply with aesthetic or historic district standards.
- (c) For a non-city owned pole in ArDot right-of-way, the City may only deny the permit for failure to comply with aesthetic or historic district standards;
- (d) If the City denies a permit, the City shall document in writing the basis for the denial, including the specific code, rule, or statutory authority on which the denial is based, and send the documentation to the applicant. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days of resubmission and limit its review to the deficiencies cited in the denial.
- (e) The denial of one (1) or more small wireless facilities in a batched application shall not delay processing of any other small wireless facilities or poles in the same consolidated application.

Sec. 100-10. Fees and rates.

- (a) This section shall govern the City's rates and fees for use of City poles and the placement of a small wireless facility or associated poles. The City shall not require a wireless provider to pay any rates, fees, or compensation to the City other than what is expressly authorized herein for the right to use or occupy a right-of-way, for collocation of small wireless facilities on or in structures in the right-of-way, or for the installation, maintenance, modification, and replacement of associated poles in the right-of-way.
- (b) Application fees for a permit:
 - 1) One hundred dollars (\$100) for each small wireless facility; or
 - 2) Two hundred fifty dollars (\$250) for the installation, modification, or replacement of a pole together with the collocation of an associated small wireless facility in the right-of-way.

- (c) A wireless provider shall pay the City annual compensation as follows:
 - 1) For use of the right-of-way - \$30 per small wireless facility.
 - 2) For collocation of small wireless facilities on City poles - \$240 for each City pole.
- (d) A wireless provider is not required to pay any compensation for:
 - 1) Routine maintenance;
 - 2) The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or,
 - 3) The installation, placement, maintenance, operation, or replacement of a micro-wireless facility that is suspended on cables that are strung between existing poles in the right-of-way as long as the wireless provider compensates the City through other licenses or franchises held directly or through one of the wireless provider's affiliates for the placement of the suspension cables in the right-of-way.
- (e) The rates provided herein, together with the one-time application fee, shall be the total compensation that the wireless provider is required to pay the City for the deployment of small wireless facilities in the right-of-way and any associated poles.

Sec. 100-11. Indemnification, insurance, and bonding.

- (a) A wireless provider shall defend, indemnify and hold harmless the City and its officers, agents and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney's fees resulting from the installation, construction, repair, replacement, operation, or maintenance of poles, small wireless facilities, or attachments to City poles to the extent directly caused by the negligence of the wireless provider, its contractors, subcontractors and their officers, employees or agents. A wireless provider has no obligation to defend, indemnify, or hold harmless the City or its officers, agents, or employees against any liabilities or losses due to or caused by the sole negligence of the City or its employees or agents.
- (b) A wireless provider shall maintain insurance coverage against the claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney's fees referred to herein. A wireless provider with net assets of at least five hundred million dollars (\$500,000,000), including the assets of its affiliates, may self-insure. The City may require reasonable proof that the wireless provider is eligible to self-insure. A wireless provider shall immediately notify the City of any change in its self-insured status as to any coverage required herein, and of any change in the ability of the wireless provider to cover the losses specified herein.
- (c) The bonding requirements of Section 110-86 shall apply for small wireless facility collocations. The purpose of the bonds shall be to: (A) Provide for the removal of abandoned or improperly maintained small wireless facilities, including those that the City determines needs to be removed to protect public health, safety, or welfare; and (B) Recoup rates or fees that have not been paid by a wireless provider in over 12 months, so long as the wireless provider has received reasonable notice from the City of any noncompliance and an opportunity to cure. Bonding requirements shall not exceed one thousand dollars (\$1,000) per small wireless facility. For wireless providers with multiple small wireless facilities within the City, the total bond amount across all facilities may not exceed ten thousand dollars (\$10,000), which amount may be combined into a single bond instrument. The City may waive bonding requirements for a wireless provider that already maintains bonding for other operations. The City shall not require a cash bond, unless either of the following applies: (i) The wireless provider has failed to obtain or maintain a bond required under this section; or (ii) The surety has defaulted or failed to perform on a bond given to the City on behalf of the wireless provider.

Section 2: All other provisions of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

Section 3: Effective date. This Ordinance shall take effect ninety (90) days from the date hereof.

PASSED AND APPROVED this _____ day of _____, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION)
AND REMOVAL OF A CERTAIN RESIDENTIAL
STRUCTURE WITHIN THE CITY OF SPRINGDALE,
ARKANSAS, LOCATED AT 2050 DODD AVENUE; TO
DECLARE AN EMERGENCY AND FOR OTHER
PURPOSES.**

WHEREAS, Ashley C. White and Robin L. Fike are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

A part of the NW 1/4 of the NE 1/4 of Section 30, Township 18 North, Range 29 West, Washington County, Arkansas, and being more particularly described as follows: Beginning at a point which is North 87°43'00" West 1,437.67 feet from the SE corner of the NW 1/4 of the NE 1/4 of Section 30 and running thence South 01°47'29" West 74.64 feet; thence North 87°41'13" West 107.68 feet; thence North 02°42'16" East 78.68 feet; thence North 39°36'35" West 169.97 feet; thence North 13°35'42" West 124.74 feet; thence North 07°56'10" East 97.99 feet; thence North 00°45'01" East 401.49 feet; thence South 85°59'39" East 197.10 feet; thence South 48°31'13" East 79.30 feet to the toe of a bluff; thence with the toe of said bluff South 14°30'27" West 177.77 feet; South 22°11'15" West 58.28 feet; South 22°18'55" West 66.68 feet; South 14°09'12" West 47.76 feet; South 37°50'32" East 118.57 feet; South 48°22'39" West 24.78 feet; South 32°34'50" East 46.31 feet; thence leaving said bluff line South 01°47'29" West 209.67 feet to the point of beginning.

AND:

A part of the NW 1/4 of the NE 1/4 of Section 30, Township 18 North, Range 29 West, Washington County, Arkansas, and being more particularly described as follows: Commencing at the SE corner of the NE 1/4 of the NE 1/4 of said Section 30; thence North 87°43'00" West 1437.67 feet; thence South 01°47'29" West 74.64 feet; thence North 87°41'13" West 177.68 feet; thence North 02°42'16" East 74.86 feet to the point of beginning and running thence North 87°21'00" West 385.06 feet; thence North 02°13'00" East 756.77 feet; thence South 85°50'00" East 307.42 feet; thence South 00°45'01" West 401.49 feet; thence South 07°56'10" West 97.99 feet; thence South 13°35'42" East 124.74 feet; thence South 39°36'35" East 169.97 feet; thence South 02°42'16" West 78.86 feet; thence North 87°41'13" West 70.00 feet; thence North 02°42'16" East 74.85 feet to the point of beginning. Subject to that portion in the road right-of-way and subject to a 50 foot easement along west side.

Less and except:

A part of the NW 1/4 of the NE 1/4 of Section 30, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows: Beginning at a point which is North 87°42'22" West 1614.16 feet and North 87°21'00" West 385.06 feet from the SE corner of the NE 1/4 of the NE 1/4 of Section 30, and running thence North 02°13'00" East 756.77 feet to a found iron pin; thence South 85°50'00" East 307.42 feet to a found iron pin; thence South 00°45'01" West 50.08 feet to a set iron pin; thence North 85°52'28" West 238.16 feet to a set iron pin, thence South 02°13'03" West 704.75 feet to a set iron pin, thence North 87°21'00" West 70.50 feet to the point of beginning.

ALSO KNOWN AS:

A part of the Northwest Quarter of the Northeast Quarter and a part of the Southwest Quarter of the Northeast Quarter, all being in Section 30, Township 18 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is North 87°21'00" West 1614.16 feet from the Southeast corner of the Northeast quarter of the Northeast quarter of said Section 30, said point being a found iron pin, and running thence North 87°21'00" West 314.56 feet to a set iron pin, thence North 02°13'03" East 704.75 feet to a set iron pin, said pin being on the South line of a utility easements, thence along said South line of a utility easement South 85°52'28" East 238.16 feet to a found iron pin, thence leaving the South line of said easement North 00°45'01" East 50.08 feet to a found iron pin, said pin being in the centerline of a utility easement thence along said centerline South 85°59'39" East 197.10 feet; South 48°31'13" East 79.30 feet to a found iron pin, thence leaving said centerline and along the toe of a bluff the following 7 courses; South 14°30'27" West 177.77 feet; South 22°11'15" West 58.28 feet; South 22°18'55" West 66.68 feet; South 14°09'12" West 47.76 feet; South 37°50'32" East 118.57 feet; South 48°22'39" West 24.78 feet; South 32°34'50" East 46.31 feet; thence leaving said bluff line South 01°47'29" West 209.67 feet to a found iron pin, thence North 87°41'13" West 177.68 feet to a found cotton spindie in the centerline of Dodd Avenue, thence North 02°42'16" East 74.85 feet to the point of beginning. Containing 8.02 acres, more or less. Subject to easements and rights-of-way of record.

Commonly known as 2050 Dodd Ave., Springdale, Washington
County, Arkansas
Tax Parcel No. 815-328664-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

WHEREAS, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1. That the structure located at 2050 Dodd Ave., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

October 3, 2019

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

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Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

C. Ashley White and
Robin L. Fike
1419 S. Beechwood Ave.
Fayetteville, AR 72701

RE: Property located at 2050 Dodd Avenue, Springdale, Washington
County, Arkansas,
Tax Parcel No. 815-28664-000

Dear Property Owners:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 2050 Dodd Avenue and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 2050 Dodd Avenue, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, December 2, 2019, in the multi-purpose room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, December 10, 2019. This meeting will take place in the Council chambers on the first floor of the City Administration Building. I strongly encourage you to attend these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of

this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.


Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosure
SS:ch

cc: Mike Chamlee, Chief Building Official
Tom Evers, Chief Building Inspector

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>C. Ashley White and Robin L. Fike 1419 S. Beechwood Ave. Fayetteville, AR 72701</p>	<p>B. Received by (Printed Name) Robin L. Fike</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label) 7019 1120 0000 5848 5955</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE CITY OF
SPRINGDALE, ARKANSAS BUDGET FOR
THE YEAR 2020**

WHEREAS, the Mayor has presented a proposed budget for the calendar year 2020 to the City Council for the City of Springdale, Arkansas as required by Arkansas Code 14-58-201; and

WHEREAS, the Mayor's proposed budget includes step raises for eligible employees and a bonus for others; and

WHEREAS, the City Council Finance Committee held budget work sessions to review, study, discuss and adjust the 2020 budget proposed by the Mayor and has requested this resolution be placed on the City Council agenda, and

WHEREAS, after considering the discussion of the City Council concerning Ozark Regional Transit, the Mayor has revised his proposed budget by increasing the funding for Ozark Regional Transit by \$82,000 and included the premium increases on worker's compensation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the 2020 Mayor's revised budget, the salary increases included therein, the changes in authorized positions and any changes made by the council finance committee are hereby passed and approved with the compensation increases to be effective January 1, 2020 and the one time bonuses will be paid in April of 2020.

PASSED AND APPROVED this 10th day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

To: Mayor and City Council
From: Brad Baldwin, Director of Engineering
Date: November 15, 2019
Re: 2020 Public works Budget adjustments

At the Public Works budget discussion this week, the Council asked us to examine our budget requests to see if we could accommodate the increase requested by ORT without hurting department effectiveness. James Smith & I discuss several line items with our construction staff and the following budget changes are requested (summary table attached).

1. Street Administration – Professional Services
This item is to provide outside technical services to assist staff with planning in-house construction and traffic control projects. Since this hasn't been done in the past, it is an estimate of need. We recommend decreasing to this line item of \$2,000 and evaluate again next year.
2. Street Administration – Regional Support (ORT)
We believe that we can fully fund the ORT requested increase for salary increases and fare free service in Springdale. We recommend an increase to this line item of \$82,000.
3. Landscaping – Capital
This is an estimate of future R/W irrigation equipment needs. We will focus on renovation/repair of the existing landscaping in 2020 and limit expansion of next landscaping in 2020. We recommend a decrease to this line item of \$20,000.
4. General Construction – Supplies
The Council asked for clarification of this line item and a better justification of the requested funding level. After consulting with the construction supervision, we found that this line item is for construction consumables (concrete forming supplies, concrete saw blades, nails, screws, etc.). A review of past year's budgets indicated that the appropriate funding level is closer to \$50,000 than \$115,000. We request a decrease in this line item of \$65,000.
5. Street Construction – Professional Services
As explained at the budget session this item is for an updated street system inventory/analysis to help program street maintenance. A recent quotation for this work

indicated that we had underestimated the cost by \$2,000. We recommend an increase to this line item of \$2,000.

I will be available at the budget meeting next week to request these budget adjustments and answer an questions.

CITY OF SPRINGDALE
PROPOSED BUDGET
FOR YEAR 2020

SUMMARY OF BUDGET CHANGES

PUBLIC WORKS - STREET FUND

STREET ADMINISTRATION
PROFESSIONAL SERVICES

201-0201-431.40-10 OTHER PROFESSIONAL SERVICES
REGIONAL SUPPORT

201-0201-431.78-03 OZARK REGIONAL TRANSIT

LANDSCAPING
CAPITAL

201-0205-431.80-31 EQUIPMENT / R-O-W

GENERAL CONSTRUCTION
SUPPLIES

201-0206-431.60-52 GEN CONST CONSUMABLE SUPPLIES

STREET CONSTRUCTION
PROFESSIONAL SERVICES

201-0207-431.40-10 OTHER PROFESSIONAL SERVICES

NET INCREASE (DECREASE) IN STREET FUND EXPENDITURES

	ORIGINAL PROPOSED BUDGET	INCREASE (DECREASE)	REVISED PROPOSED BUDGET	
	35,000	(2,000)	33,000	CAD & TRAFFIC ENGINEERING
	280,000	82,000	362,000	
	65,000	(20,000)	45,000	IRRIGATION EQUIPMENT
	115,000	(65,000)	50,000	
	25,000	2,000	27,000	STREETS ASSESSMENT/INVENTORY
		(3,000)		

CITY OF SPRINGDALE
MAYOR'S PROPOSED BUDGET CHANGES
FOR YEAR 2020

	ORIGINAL PROPOSED BUDGET	INCREASE (DECREASE)	REVISED PROPOSED BUDGET
GENERAL FUND			
ADMINISTRATION			
101-0101-411.35-04 WORKERS' COMPENSATION	3,200	400	3,600
101-0101-411.91-21 TRANSFER OUT / STREET FUND	440,160	280	440,440
101-0101-411.91-22 TRANSFER OUT / LIBRARY FUND	947,440	270	947,710
101-0101-411.91-25 TRANSFER OUT / DISTRICT COURT FUND	747,640	200	747,840
CITY ATTORNEY			
101-0102-412.35-04 WORKERS' COMPENSATION	500	120	620
ANIMAL SERVICES			
101-0102-412.35-04 WORKERS' COMPENSATION	2,640	360	3,000
INFORMATION TECHNOLOGY			
101-0105-416.35-04 WORKERS' COMPENSATION	360	90	450
SHILOH MUSEUM			
101-0105-416.35-04 WORKERS' COMPENSATION	1,950	300	2,250
NEIGHBORHOOD SERVICES			
101-0111-442.35-04 WORKERS' COMPENSATION	2,320	290	2,610
PARKS & RECREATION			
101-0301-451.35-04 WORKERS' COMPENSATION	15,610	3,740	19,350
AQUATIC CENTER			
101-0305-459.35-04 WORKERS' COMPENSATION	1,350	330	1,680
SENIOR CENTERS			
101-0303-453.35-04 WORKERS' COMPENSATION	3,230	760	3,990
PLANNING			
101-0401-415.35-04 WORKERS' COMPENSATION	250	70	320
ENGINEERING			
101-0402-418.35-04 WORKERS' COMPENSATION	4,560	840	5,400
BUILDING INSPECTION			
101-0403-423.35-04 WORKERS' COMPENSATION	3,860	710	4,570
POLICE			
101-0501-421.35-04 WORKERS' COMPENSATION	103,650	13,190	116,840
101-0504-421.35-04 WORKERS' COMPENSATION	950	230	1,180
FIRE			
101-0601-422.35-04 WORKERS' COMPENSATION	156,740	17,560	174,300
NET INCREASE IN GENERAL FUND EXP ENDITURES		39,740	

CITY OF SPRINGDALE
MAYOR'S PROPOSED BUDGET CHANGES
FOR YEAR 2020

PUBLIC WORKS - STREET FUND

	ORIGINAL PROPOSED BUDGET	INCREASE (DECREASE)	REVISED PROPOSED BUDGET
REVENUES			
201-0201-391.11-00 TRANSFERS IN / GENERAL FUND	440,160	280	440,440
EXPENDITURES			
PERSONNEL			
201-0201-431.35-04 WORKERS' COMPENSATION	5,390	940	6,330
201-0202-431.35-04 WORKERS' COMPENSATION	1,840	340	2,180
201-0203-431.35-04 WORKERS' COMPENSATION	3,560	650	4,210
201-0204-431.35-04 WORKERS' COMPENSATION	6,990	1,280	8,270
201-0205-431.35-04 WORKERS' COMPENSATION	3,290	1,360	4,650
201-0206-431.35-04 WORKERS' COMPENSATION	12,420	2,280	14,700
201-0207-431.35-04 WORKERS' COMPENSATION	8,990	1,650	10,640
201-0210-431.35-04 WORKERS' COMPENSATION	640	140	780
PROFESSIONAL SERVICES			
201-0201-431.40-10 OTHER PROFESSIONAL SERVICES	35,000	(2,000)	33,000
201-0207-431.40-10 OTHER PROFESSIONAL SERVICES	25,000	2,000	27,000
SUPPLIES			
201-0206-431.60-52 GEN CONST CONSUMABLE SUPPLIES	115,000	(65,000)	50,000
CAPITAL			
201-0205-431.80-31 EQUIPMENT / R-O-W	65,000	(20,000)	45,000
REGIONAL SUPPORT			
201-0201-431.78-03 OZARK REGIONAL TRANSIT	280,000	82,000	362,000
NET INCREASE (DECREASE) IN STREET FUND REVENUES AND EXPENDITURES		5,360	

CITY OF SPRINGDALE
MAYOR'S PROPOSED BUDGET CHANGES
FOR YEAR 2020

	ORIGINAL PROPOSED BUDGET	INCREASE (DECREASE)	REVISED PROPOSED BUDGET
LIBRARY FUND			
<i>REVENUES</i>			
202-0108-391.11-00 TRANSFERS IN / GENERAL FUND	947,440	270	947,710
<i>EXPENDITURES</i>			
202-0108-456.35-04 WORKERS' COMPENSATION	1,030	270	1,300
NET INCREASE IN LIBRARY FUND EXPENDITURES		<u>-</u>	
DISTRICT COURT - SPECIAL COURT COSTS FUND			
<i>REVENUES</i>			
205-0103-391.11-00 TRANSFERS IN / GENERAL FUND	747,640	200	747,840
<i>EXPENDITURES</i>			
205-0103-413.35-04 WORKERS' COMPENSATION	1,080	200	1,280
NET INCREASE IN LIBRARY FUND EXPENDITURES		<u>-</u>	
AIRPORT FUND			
401-0110-401.35-04 WORKERS' COMPENSATION	1,060	<u>190</u>	1,250
SANITATION FUND			
405-0209-440.35-04 WORKERS' COMPENSATION	2,540	<u>550</u>	3,090

CITY OF SPRINGDALE, ARKANSAS
SPRINGDALE LIBRARY
STAFFING

REVISED

POSITION	GRADE	2016	2017	2018	2019	2020
		(FTE)	(FTE)	(FTE)	(FTE)	(FTE)
Director	96	1.0	1	1.0	1	1.0
Assistant Director *	28	-	-	-	-	1.0
Childrens Svcs. Coordinator	26	1.0	1	1.0	1	1.0
Technology Coordinator	25-26	1.0	1	1.0	1	1.0
Reference Coordinator	25	1.0	1	-	1	1.0
Automated Services	25	1.0	1	-	-	-
Operations Coordinator	24	1.0	1	1.0	1	1.0
Young Adult Librarian	23	1.0	1	1.0	1	1.0
Multicultural Outreach Librarian	23	1.0	1	1.0	1	1.0
Children's Multicultural Outreach Librarian**	23	-	-	-	1	1.0
Reference Librarian	22-23	2.0	2	3.0	2	2.0
Children's Librarian	22	2.0	2	2.0	2	2.0
Librarian Technician	20	-	-	1.0	1	1.0
Circulation Supervisor / Acquisition Clerk	18	1.0	1	1.0	1	1.0
Marketing Director	18	-	-	1.0	1	1.0
Administrative Asst / Facility Coordinator	16	1.0	1	1.0	1	1.0
Information Assistant	15	2.0	2	2.0	2	2.0
Circulation Clerk	14	2.0	2	2.0	2	2.0
Circulation Clerk II P/T	N/A	3.5	5	2.8	4	2.8
Circulation Clerk P/T **	N/A	4.5	9	4.5	10	5.0
Information Assistant P/T	N/A	0.7	1	1.4	2	1.4
Elimination of Coordinator position *						(1.0)
TOTALS		26.7	33	27.7	36	29.2
		18 FT	19 FT	19 FT	20 FT	20 FT
		15 PT	15 PT	15 PT	16 PT	16 PT

Full Time Equivalants (FTE)

* Substitute Assistant Director position for one of the Coordinator positions - total number of positions will not change
** New positions funded by a grant - authorized by Resolution No. 25-19 2/26/2019

REVISED

CITY OF SPRINGDALE, ARKANSAS
REVENUE AND EXPENDITURES SUMMARY
2020 ANNUAL BUDGET

General Fund (1) Revenues	2018 Actual	2019		2019 Adjusted Budget	2019 Projection	2020		Mayor's Proposed Increase (Decrease)	2020 Revised Proposed Budget
		Original Budget	Budget			Original Budget	Proposed Budget		
Property Taxes	5,351,326	5,605,000	5,605,000	5,510,004	5,468,000	-	5,468,000	-	5,468,000
Sales Taxes, County	14,791,307	15,560,000	15,560,000	15,170,700	15,789,000	-	15,789,000	-	15,789,000
Sales Taxes, City	7,595,587	8,785,260	8,806,300	8,655,900	8,915,500	-	8,915,500	-	8,915,500
Franchise Taxes	4,239,607	4,350,000	4,350,000	4,120,400	4,120,400	-	4,120,400	-	4,120,400
State Turnback	1,633,678	1,642,500	1,642,500	1,637,700	1,637,600	-	1,637,600	-	1,637,600
Other	11,030,911	9,281,750	14,381,750	14,538,646	8,778,260	-	8,778,260	-	8,778,260
Additional transfer - Sales & Use Tax Fund	-	2,798,660	2,798,660	2,000,000	3,000,000	-	3,000,000	-	3,000,000
Total Revenue	44,642,416	48,023,170	53,144,210	51,633,350	47,708,760	-	47,708,760	-	47,708,760
Expenditures									
Administration	4,150,322	3,675,540	3,675,710	3,738,751	2,991,750	400	2,992,150		
Transfer to Street Fund	312,400	378,420	378,420	364,190	440,160	280	440,440		
Transfer to Library Fund	684,100	945,660	945,660	867,000	947,440	270	947,710		
Transfer to District Court	631,400	819,990	819,990	550,000	747,640	200	747,840		
Transfer to Sales & Use Tax Fund	-	-	996,880	996,880	-	-	-		
City Attorney	747,341	814,200	814,200	803,628	834,880	120	835,000		
Animal Services	810,274	894,450	894,450	858,341	864,310	360	864,670		
Information Technology	956,844	1,082,940	1,104,160	1,127,120	1,195,580	90	1,195,670		
Shiloh Museum	766,748	830,350	830,350	825,682	870,730	300	871,030		
Neighborhood Services	318,017	414,260	414,260	377,130	391,190	290	391,480		
Transfer to Street Fund - Property Cleanup	20,239	50,000	50,000	24,000	25,000	-	25,000		
Parks & Recreation	3,699,998	4,165,430	8,266,020	7,970,291	3,968,410	4,070	3,972,480		
Senior Citizens Center	709,471	677,250	677,250	694,220	707,600	760	708,360		
Planning	388,532	456,100	456,100	414,113	437,320	70	437,390		
Engineering	537,713	709,080	709,080	667,121	712,620	840	713,460		
Building Inspection	608,361	696,490	696,630	644,190	692,580	710	693,290		
Police	16,926,736	18,730,950	18,732,990	18,126,928	19,333,820	13,420	19,347,240		
Police - Transfer to Sales & Use Tax Fund	64,289	-	-	-	-	-	-		
Fire	13,192,332	13,808,550	14,157,809	13,891,180	14,748,980	17,560	14,766,540		
Total Expenditures	45,525,117	49,149,660	54,619,959	52,940,765	49,910,010	39,740	49,949,750		
Increase - Restricted Revenue Funds	970,194	298,000	298,000	320,870	279,000	-	279,000		
Expenditures from Reserved Fund Balance - Restricted Revenue Funds	511,814	400,500	641,639	577,481	190,000	-	190,000		
Increase (Decrease) in Unreserved Fund Balance	(1,341,081)	(1,023,990)	(1,132,110)	(1,050,804)	(2,290,250)	(39,740)	(2,329,990)		

(1) Includes Aquatic Center For 2016 and 2017

CITY OF SPRINGDALE, ARKANSAS
REVENUE AND EXPENDITURES SUMMARY
2020 ANNUAL BUDGET

Street Fund	2018 Actual	2019 Original Budget	2019 Adjusted Budget	2019 Projection	2020 Original Proposed Budget	Mayor's Proposed Increase (Decrease)	2020 Revised Proposed Budget
Revenues							
State Turnback	4,976,618	4,906,000	4,906,000	5,050,000	5,037,500	-	5,037,500
Transfer from General Fund	312,400	378,420	378,420	364,190	440,160	280	440,440
Transfer from Gen Fund - Neighborhood Svcs	20,239	50,000	50,000	24,000	25,000	-	25,000
Other	3,564,756	1,047,000	1,047,000	1,142,470	3,675,800	-	3,675,800
	8,874,013	6,381,420	6,381,420	6,580,660	9,178,460	280	9,178,740
Expenditures	9,487,661	8,030,200	8,101,170	5,637,770	12,223,730	5,640	12,229,370
Increase (Decrease) in Reserves	(613,648)	(1,648,780)	(1,719,750)	942,890	(3,045,270)	(5,360)	(3,050,630)

CITY OF SPRINGDALE, ARKANSAS
REVENUE AND EXPENDITURES SUMMARY
2020 ANNUAL BUDGET

Library Fund	2018 Actual	2019 Original Budget	2019 Adjusted Budget	2019 Projection	2020 Original Proposed Budget	Mayor's Proposed Increase (Decrease)	2020 Revised Proposed Budget
Revenues							
County Library Allocation	1,281,024	1,281,030	1,281,030	1,290,710	1,300,310	-	1,300,310
Contribution - Library Foundation	-	-	-	-	72,570	-	72,570
Transfer from General Fund	684,100	945,660	945,660	867,000	947,440	270	947,710
Other	139,109	155,370	155,370	123,740	116,350	-	116,350
	2,104,233	2,382,060	2,382,060	2,281,450	2,436,670	270	2,436,940
Expenditures	2,158,940	2,385,680	2,385,680	2,285,205	2,436,670	270	2,436,940
Increase (Decrease) in Reserves	(54,707)	(3,620)	(3,620)	(3,755)	-	-	-

CITY OF SPRINGDALE, ARKANSAS
REVENUE AND EXPENDITURES SUMMARY
2020 ANNUAL BUDGET

District Court Cost Fund	2018 Actual	2019 Original Budget	2019 Adjusted Budget	2019 Projection	2020 Original Proposed Budget	Mayor's Proposed Increase (Decrease)	2020 Revised Proposed Budget
Revenues							
City/County Reimbursement	32,820	37,590	37,590	37,590	38,340	-	38,340
Transfer From General Fund	631,400	819,990	819,990	550,000	747,640	200	747,840
Other	261,302	262,450	262,450	270,750	263,000	-	263,000
	925,522	1,120,030	1,120,030	858,340	1,048,980	200	1,049,180
Expenditures							
	923,609	1,160,030	1,160,030	945,540	1,043,980	200	1,044,180
Increase - Restricted Revenue Funds							
Expenditures from Reserved Fund Balance -	104,325	110,000	110,000	107,750	105,000		105,000
Restricted Revenue Funds	71,618	150,000	150,000	75,000	100,000		100,000
Increase (Decrease) in Unreserved Fund Balance	(30,794)	-	-	(119,950)	-	-	-

CITY OF SPRINGDALE, ARKANSAS
REVENUE AND EXPENDITURES SUMMARY
2020 ANNUAL BUDGET

Sanitation Fund	2018 Actual	2019 Original Budget	2019 Adjusted Budget	2019 Projection	2020 Original Proposed Budget	Mayor's Proposed Increase (Decrease)	2020 Revised Proposed Budget
Revenues							
Bulky Waste Fees	162,060	160,200	160,200	161,780	162,000	-	162,000
Investment Earnings	1,587	1,500	1,500	2,000	1,900	-	1,900
	163,647	161,700	161,700	163,780	163,900	-	163,900
Expenditures *	116,342	125,080	125,080	74,580	285,200	550	285,750
Increase (Decrease) in Reserves	47,305	36,620	36,620	89,200	(121,300)	(550)	(121,850)

* Excludes depreciation expense; includes capital expenditures

CITY OF SPRINGDALE
MAYOR'S PROPOSED BUDGET CHANGES
FOR YEAR 2020

	ORIGINAL PROPOSED BUDGET	INCREASE (DECREASE)	REVISED PROPOSED BUDGET
GENERAL FUND			
REVENUES			
101-0101-391.31-02 TRANSFER IN / SALES & USE TAX FUND	3,000,000	(1,000,000)	2,000,000
EXPENDITURES			
ADMINISTRATION			
101-0101-411.35-04 WORKERS' COMPENSATION	3,200	400	3,600
101-0101-411.91-21 TRANSFER OUT / STREET FUND	440,160	280	440,440
101-0101-411.91-22 TRANSFER OUT / LIBRARY FUND	947,440	270	947,710
101-0101-411.91-25 TRANSFER OUT / DISTRICT COURT FUND	747,640	200	747,840
CITY ATTORNEY			
101-0102-412.35-04 WORKERS' COMPENSATION	500	120	620
ANIMAL SERVICES			
101-0102-412.35-04 WORKERS' COMPENSATION	2,640	360	3,000
INFORMATION TECHNOLOGY			
101-0105-416.35-04 WORKERS' COMPENSATION	360	90	450
SHILOH MUSEUM			
101-0105-416.35-04 WORKERS' COMPENSATION	1,950	300	2,250
NEIGHBORHOOD SERVICES			
101-0111-442.35-04 WORKERS' COMPENSATION	2,320	290	2,610
PARKS & RECREATION			
101-0301-451.35-04 WORKERS' COMPENSATION	15,610	3,740	19,350
AQUATIC CENTER			
101-0305-459.35-04 WORKERS' COMPENSATION	1,350	330	1,680
SENIOR CENTERS			
101-0303-453.35-04 WORKERS' COMPENSATION	3,230	760	3,990
PLANNING			
101-0401-415.35-04 WORKERS' COMPENSATION	250	70	320
ENGINEERING			
101-0402-418.35-04 WORKERS' COMPENSATION	4,560	840	5,400
BUILDING INSPECTION			
101-0403-423.35-04 WORKERS' COMPENSATION	3,860	710	4,570
POLICE			
101-0501-421.35-04 WORKERS' COMPENSATION	103,650	13,190	116,840
101-0504-421.35-04 WORKERS' COMPENSATION	950	230	1,180
FIRE			
101-0601-422.35-04 WORKERS' COMPENSATION	156,740	17,560	174,300
NET INCREASE (DECREASE) IN GENERAL FUND			
UNRESERVED FUND BALANCE		(1,039,740)	

CITY OF SPRINGDALE
MAYOR'S PROPOSED BUDGET CHANGES
FOR YEAR 2020

PUBLIC WORKS - STREET FUND

REVENUES				
201-0201-391.11-00 TRANSFERS IN / GENERAL FUND	440,160	280	440,440	
EXPENDITURES				
PERSONNEL				
201-0201-431.35-04 WORKERS' COMPENSATION	5,390	940	6,330	
201-0202-431.35-04 WORKERS' COMPENSATION	1,840	340	2,180	
201-0203-431.35-04 WORKERS' COMPENSATION	3,560	650	4,210	
201-0204-431.35-04 WORKERS' COMPENSATION	6,990	1,280	8,270	
201-0205-431.35-04 WORKERS' COMPENSATION	3,290	1,360	4,650	
201-0206-431.35-04 WORKERS' COMPENSATION	12,420	2,280	14,700	
201-0207-431.35-04 WORKERS' COMPENSATION	8,990	1,650	10,640	
201-0210-431.35-04 WORKERS' COMPENSATION	640	140	780	
PROFESSIONAL SERVICES				
201-0201-431.40-10 OTHER PROFESSIONAL SERVICES	35,000	(2,000)	33,000	CAD & TRAFFIC ENGINEERING
201-0207-431.40-10 OTHER PROFESSIONAL SERVICES	25,000	2,000	27,000	STREETS ASSESSMENT/INVENTORY
SUPPLIES				
201-0206-431.60-52 GEN CONST CONSUMABLE SUPPLIES	115,000	(65,000)	50,000	
CAPITAL				
201-0205-431.80-31 EQUIPMENT / R-O-W	65,000	(20,000)	45,000	IRRIGATION EQUIPMENT
REGIONAL SUPPORT				
201-0201-431.78-03 OZARK REGIONAL TRANSIT	280,000	82,000	362,000	
NET INCREASE (DECREASE) IN STREET FUND REVENUES AND EXPENDITURES		5,360		

CITY OF SPRINGDALE
MAYOR'S PROPOSED BUDGET CHANGES
FOR YEAR 2020

	ORIGINAL PROPOSED BUDGET	INCREASE (DECREASE)	REVISED PROPOSED BUDGET
LIBRARY FUND			
REVENUES			
202-0108-391.11-00 TRANSFERS IN / GENERAL FUND	947,440	270	947,710
EXPENDITURES			
202-0108-456.35-04 WORKERS' COMPENSATION	1,030	270	1,300
NET INCREASE IN LIBRARY FUND EXPENDITURES		<u>-</u>	
DISTRICT COURT - SPECIAL COURT COSTS FUND			
REVENUES			
205-0103-391.11-00 TRANSFERS IN / GENERAL FUND	747,640	200	747,840
EXPENDITURES			
205-0103-413.35-04 WORKERS' COMPENSATION	1,080	200	1,280
NET INCREASE IN LIBRARY FUND EXPENDITURES		<u>-</u>	
AIRPORT FUND			
401-0110-401.35-04 WORKERS' COMPENSATION	1,060	<u>190</u>	1,250
SANITATION FUND			
405-0209-440.35-04 WORKERS' COMPENSATION	2,540	<u>550</u>	3,090
SALES & USE TAX FUND			
301-0406-500.90-13 TRANSFERS OUT / GENERAL FUND OPER & MAINT	3,000,000	<u>(1,000,000)</u>	2,000,000

ORDINANCE NO. _____

**AN ORDINANCE SETTING THE SALARIES OF THE
ELECTED OFFICIALS AND PLANNING COMMISSION
MEMBERS OF SPRINGDALE, ARKANSAS AND
REPEALING ORDINANCE NUMBER 5344**

WHEREAS, the Arkansas Municipal League legal staff has recommended that salaries of elected officials be established by ordinance, and

WHEREAS, the 2020 proposed budget includes increases in compensation for some elected officials, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

1. Effective January 1, 2020, the annual compensation for Springdale elected officials and Planning Commission members shall be as shown below.

City Council Members	\$ 10,800
Planning Commission Members	4,200
Mayor	133,278
City Clerk/Treasurer	93,369
City Attorney	122,100

2. Ordinance Number 5344 setting salaries for elected officials is hereby repealed effective January 1, 2020.

3. **Emergency Clause.** It is hereby declared that an emergency exists, and this ordinance being necessary for the immediate preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be effective January 1, 2020.

PASSED AND APPROVED this 10th day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE PURCHASE OF A
COMPUTER AIDED DISPATCH SYSTEM**

WHEREAS, the City of Springdale needs a new computer aided dispatch system (CAD/RMS) and

WHEREAS, the Police and Fire Departments have researched different systems and negotiated an acceptable contract with Tyler Technologies and

WHEREAS, Tyler Technologies participates in the Sourcewell cooperative buying/bidding program and competitive bidding by the City of Springdale is not required and

WHEREAS, the current servers need to be replaced with upgrades to handle the new CAD/RMS system.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

Section 1. the Mayor is hereby authorized to enter into a contract with Tyler Technologies to purchase a CAD/RMS system to include the Moblize module.

Section 2. there is hereby appropriated from the Capital Improvement Project Fund \$252,875 for the computer servers and \$1,262,005 for the CAD/RMS program.

PASSED AND APPROVED this 10th day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE PURCHASE OF A TIME
AND ATTENDANCE PROGRAM**

WHEREAS, the City of Springdale Fire and Police Departments recommend the purchase of the time and attendance module (ExecuTime) from Tyler Technologies Inc. and

WHEREAS, Tyler Technologies participates in the Sourcewell cooperative buying/bidding program and competitive bidding by the City of Springdale is not required and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

Section 1. the Mayor is hereby authorized to enter into a contract with Tyler Technologies to purchase the ExecuTime Time & Attendance module from Tyler Technologies.

Section 2. there is hereby appropriated from the Capital Improvement Project Fund \$94,237 for this purchase.

PASSED AND APPROVED this 10th day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE PURCHASE OF A
SECURE INFORMATION STORAGE AND MANAGEMENT
SYSTEM FOR THE POLICE DEPARTMENT**

WHEREAS, the City of Springdale Police Department needs a system to store and manage confidential information, and

WHEREAS, the Police Chief has recommended purchasing the IAPro system from SHI International Corp for a purchase price not to exceed \$38,000 plus tax and

WHEREAS, SHI International Corp is under contract with NASPRO, a cooperative purchasing agency, therefore competitive bidding is not required.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to purchase the IAPro system from SHI International Corp for a price not to exceed \$38,430 plus tax with funds from the Capital Improvement Project Fund.

PASSED AND APPROVED this 10th day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE TO WAIVE COMPETITIVE
BIDDING FOR THE PURCHASE OF A FIRE
STATION ALERTING SYSTEM AND FOR OTHER
PURPOSES**

WHEREAS, the Springdale Fire Department plans to purchase a new fire station alerting system, and

WHEREAS, after researching available equipment the Fire Chief is recommending purchasing the equipment from Locution Systems Inc. for \$210,510 plus tax, and

WHEREAS, they plan to have the equipment installed by Radiophone for a cost of \$14,520 plus tax, and

WHEREAS, Arkansas Code 14-58-303 states, "The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical";

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. This Council finds that due to the specific needs of the Fire Department, it is not feasible or practical to use competitive bidding and competitive bidding on the purchase of a fire station alert system from Locution Systems Inc., is here by waived for an amount not to exceed \$210,510 plus sales tax.

Section 2. There is hereby appropriated \$246,970 of funds from the Capital Improvement Project Fund for this project.

Section 3. Emergency Clause. It is hereby declared that an emergency exists, and this ordinance being necessary for the immediate preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon passage and approval.

PASSED AND APPROVED this 10th day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

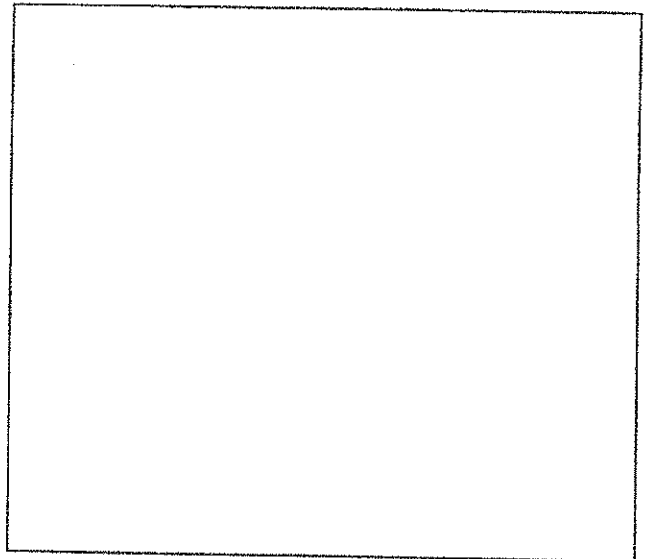
APPROVED AS TO FORM

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, the following real property located in Springdale, Washington County, Arkansas, is owned as set out below:



PROPERTY OWNER: John Carlon Bassett

LEGAL DESCRIPTION: A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-six (36), Township Eighteen (18) North, Range Thirty (30) West, described as beginning at a point which is Forty and One-Half (40.50) rods West and Thirty and One-Half (30.50) rods North of the Southeast Corner of said Forty acre tract, and running thence West Thirteen and One-Half (13.50) rods; thence North Three (3) rods; thence East Thirteen and One-Half (13.50) rods; thence South Three (3) rods to the place of beginning, being in the City of Springdale, Arkansas.

LAYMAN'S DESCRIPTION: 307 S. Cleveland St.
Springdale, Washington County, Arkansas

PARCEL NO.: 815-28474-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$376.16 clean-up costs and \$21.95 administrative costs – 307 S. Cleveland St. (Parcel #815-28474-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$398.11, plus 10% for collection – 307 S. Cleveland St. (Parcel #815-28474-000)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of December, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

November 14, 2019

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

John Carlon Bassett
3263 N. College Ave.
Fayetteville, AR 72703

RE: Notice of clean-up lien on property located at 307 S. Cleveland,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
28474-000

Dear Mr. Bassett:

On April 29, 2019, notice was posted on property located at 307 S. Cleveland, Springdale, Arkansas that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on April 29, 2019, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about September 5, 2019. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$376.16. I have enclosed an invoice evidencing the costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.95 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

On or about October 8, 2019, the property was transferred to you via Limited Warranty Deed. A copy of the Limited Warranty Deed is enclosed for your reference.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before December 10, 2019, a hearing will be held before the

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Lynda Belvedere
Case Coordinator/
Victim Advocate
lbelvedere@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, December 10, 2019, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$383.11, which includes \$376.16 for cleaning up the property and \$6.95 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Cindy Horlick, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

With all that being said, I am mindful that the events leading up to the City having to expend \$376.16 to clean up this property did not involve you, nor were you responsible for the property at that time. However, I am obligated to try and recover the taxpayer's funds that were expended to clean up this property.

I would be happy to discuss this matter with you at your convenience, and to provide you with any documentation you may need to prove that the previous owner was fully aware of all this prior to transferring this property to you.

If you should have any questions, please let me know.

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch

City of Springdale

Neighborhood Services Division

210 Spring St

Springdale AR 72764

Phone 479-756-7712 **SPRINGDALE**



CITY ABATEMENT-2019 - Thursday, September 05, 2019 1:46:37 PM (BOBBY CODE 1)

User Name BOBBY CODE 1
User # 4797999694
Form Started 9/5/2019 1:46:37 PM
Form Submitted 9/5/2019 2:15:52 PM
Property Address 307 S Cleveland
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Thursday, September 05, 2019 1:46:00 PM

Officer on Site

B. Nivens

Labor Rate Recovery

Employee

Henry Hernandez

HH Benefit Rate

\$54.84

Method of Compliance

1 Method of Compliance

Mowing

Equipment Used

Equipment

754 Grasshopper ,743 Kubota,6050 1-ton Work Truck Landscaping

754 Grasshopper

\$55.00

743 Kubota

\$65.00

6050 1-ton Work Truck-

\$35.00

Landscaping

Time of Abatement in Hours

1

Number of Temporary Laborers

2

Temporary Labor Rate Recovery

48.00

Employee labor recovery per hour

54.84

Total Employee Cost

54.84

Equipment Cost per hour	155.00
Total Equipment Cost	155.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	376.16
Items Removed from Property	0

Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

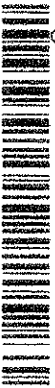

Attached Data



Final Photos

Attached Data



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<div>■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</div> <div>1. Article Addressed to: <i>John Carlon Baerett</i> <i>3263 N. College Ave.</i> <i>Fayetteville, AR 72703</i></div> <div> 9590 9402 5215 9122 2225 91</div> <div>7019 1120 0000 5848 5962</div> <div>PS Form 3811, July 2015 PSN 7530-02-000-9053</div>		<div>A. Signature  <input type="checkbox"/> Agent</div> <div>B. Received by (Printed Name) <input type="checkbox"/> Addressee <i>KELVIN S. A. T. N. O. R. D.</i></div> <div>C. Date of Delivery <i>11/19/19</i></div> <div>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</div> <div>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</div>	